# The New-York Times.

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## TELEGRAMS.

### Gen. Prim Charged with Meditating a Coup d'Etat.

### Action of Minister Johnson on the Alabama Claims.

### No Basis of Settlement Yet Agreed Upon.

### Imprisonment of Americans and Englishmen in Turkey.

### Defeat of Escobedo by the Mexican Insurgents.

### SPAIN.

**More Charges Against Gen. Prim.**

PARIS, Sunday, Nov. 22.

Intelligence from Spain is to the effect that Gen. PRIM is charged with delaying the elections and reorganizing the army, with the design of a *coup d'etat* and the establishment of an empire. It is said that hand-bills are freely circulated urging his elevation to the throne, and that they emanate from his immediate friends.

### GREAT BRITAIN.

**Further Election Returns—The General Result.**

LONDON, Sunday, Nov. 22.

The election returns now in show that the Liberals have at least 150 majority in a full House. It is estimated that they will have 120 majority on the amendment which will be proposed to the Parliamentary address in reply to the Queen's speech. Some people are disposed to think that such strength of numbers will be dangerous to the Liberals, fearing that it will tend to produce discord in the party. This apprehension is perhaps imaginary, as nearly all the Liberals who have been elected have pledged themselves to their constituents to sustain Mr. GLADSTONE, and the fate of the Adullamites, who have all come to grief, is a warning to bolters. Two fortunate results are considered to have been secured, viz.: the displacement of the Conservatives and the acquisition of power sufficient to exert a decisive pressure on the House of Lords for pushing through the measures for the disestablishment of the Irish Church.

The aristocratic section of the Whig Party is charged with intriguing to have the Earl GRANVILLE invited by the Queen to form a new Ministry, and the Radicals are indignant at this underhanded course.

It is anticipated that the new House of Commons will be, on the whole, remarkably practical, business-like in character. The exclusion of Mr. OSBORNE, Mr. ROEBUCK and other eccentric individuals is a matter of general congratulation; nor is the loss of the Conservative lawyers, including the Attorney General and the Solicitor General much lamented. Regret is felt that none of the Workingmen's candidates, who failed for want of money and organization, will be in the House to represent that new element in the Government. The elections in the counties have not all been finished, but they will be completed before the end of this week.

**The Banquet to Mr. Johnson and Mr. George Peabody.**

LONDON, Sunday, Nov. 22.

A banquet was given to Hon. REVERDY JOHNSON by the authorities of Brighton on Saturday. GEORGE PEABODY and GEORGE W. CHILDS, of the Philadelphia *Ledger*, were also guests of the corporation, and many distinguished Englishmen and local celebrities were present. Mr. JOHNSON's remarks were similar to those of former occasions. The Mayor of Brighton also made a speech, in which he eloquently extolled peace, the American Minister, and Mr. PEABODY.

**The Chinese Embassy.**

LONDON, Sunday, Nov. 22—Evening.

Mr. BURLINGAME and his mission have gained ground daily. His relations with Lord STANLEY are intimate and satisfactory.

### FRANCE.

**The Funeral of Rossini.**

PARIS, Sunday, Nov. 22.

After the celebration of Requiem Mass and the last offices of the dead at the Madeleine yesterday, the remains of ROSSINI were taken to the Cemetery of Pere la Chaise. The funeral was rather of a private and domestic character. The procession was not large, nor was the display unusual; but immense throngs of people lined the streets through which the *cortège* passed, and testified their respect for the great composer by a profound and mournful silence.

**Growing Discontent Among the People.**

LONDON, Sunday, Nov. 22.

Advices from Paris state that there is growing discontent in France, consequent on the Press Seizures. Prosecutions are urged by the Government with unsparing energy.

**The Prince of Wales.**

PARIS, Sunday, Nov. 22.

The Prince of Wales is at Campeigne.

### PRUSSIA.

**The King and the American and English Difficulties—Health of Bismarck.**

LONDON, Sunday, Nov. 22.

A dispatch from Berlin states that there is much surprise at the omission to consult the King upon the subject of his arbitration upon the *Alabama* claims.

Count BISMARCK has recovered from his illness, and resumes his post this week.

### HUNGARY.

**The Official "Red Book"—The Maintenance of Peace Urged.**

PESTH, Sunday, Nov. 22.

In the preface of the official Red Book, which has just made its appearance here, the maintenance of friendship with Prussia and with all the Northern and Southern States of Germany is advocated, and a speedy settlement of the Schleswig dispute is warmly urged.

### DOMINION OF CANADA.

**The Financial Panic in New-Brunswick Abating.**

ST. JOHN, N. B., Monday, Nov. 23.

The financial panic has somewhat abated, and public confidence slightly improved. A telegram from the President of St. Stephen's Bank holds out some encouragement for the hope that the bank may soon resume business, and the value of its paper has increased from ten to fifteen per cent. The notes of the Commercial Bank are selling at thirty per cent. discount. Business generally is almost suspended.

The Government of New-Brunswick has received an advance of funds from the Dominion Government to obviate embarrassment growing out of the recent bank failures.

### WASHINGTON.

**Further Information Regarding the Alabama Claims—Commissioner Rollins' Letter—Gen. Grant at Headquarters.**

Special Dispatches to the New-York Times.

WASHINGTON, D. C., Monday, Nov. 23.

The State Department to-day received further mail dispatches from Minister JOHNSON regarding the *Alabama* claims. Mr. JOHNSON reports favorable progress, but the tenor of the dispatches does not, by any means, justify the positive statements put forth from here this afternoon to the effect that a satisfactory basis of settlement has been reached. Indeed, the arrangement has not yet so far advanced as to assume even the shape of a protocol, but a great many of detail has been discussed, and a great many different arrangements have been proposed, out of which there is every reason to believe a basis for a settlement will be solved ere long, which will be satisfactory to this Government. But the various statements which leak out of the English Foreign Office into the English papers are, in most respects, unreliable, and are only the drippings of the various propositions which are being discussed by Mr. JOHNSON and Lord STANLEY. One thing, however, is certain: All propositions looking to the submission of any vital point or principle to arbitration have been rejected by Mr. JOHNSON under his general instructions.

MR. ROLLINS' LETTER.

The letter from Commissioner ROLLINS to Messrs. FULLERTON and KNOX, retiring them from acting as counsel against Collector BAILEY, which is now published here and elsewhere under date of Nov. 18, is an old letter, and relates to the proceedings commenced against BAILEY by BELKNAP, and its proper date is July 18.

THE SUPERVISORS.

But five Supervisors remain to be appointed, and these will probably all be filled before the meeting of Congress. Secretary MCCULLOCH does not care to add to the opportunities which that body always improves to go at after him—if such a phrase be admissible.

GEN. GRANT.

Gen. GRANT was at headquarters to-day as usual. During the morning he was engaged with business and received no visitors. Later in the day quite a number called, among whom were the Secretary of War, Senator COLE, Mr. E. B. WASHBURNE, and others. The number of applications for office by mail has materially decreased since the public has learned of the disposition made of them. Gen. GRANT will this year make no formal report as General-in-Chief, but simply transmit the reports of his subordinates to Congress with the usual indorsement.

REVENUE MATTERS IN LOUISIANA.

The Commissioner of Internal Revenue has recommended the suspension of Mr. NORCROSS, the Assessor of the Third Louisiana District. Internal revenue matters in that State are in a very bad way. The service there is probably more corrupt than in any other city in the Union, New-York not excepted.

PERSONAL.

Speaker COLFAX and wife went to New-York by the morning train to-day, and will spend most of the week there visiting and shopping, returning here on Saturday.

Thus far only about half a dozen Senators, and less than the same number of Representatives have arrived and taken quarters for the session. The supply of accommodations is much greater than the demand this year.

Dispatches to the Associated Press.

WASHINGTON, Monday, Nov. 23.

DUTY ON IMPORTED CIGARS.

The Secretary of the Treasury has issued a circular to collectors and other officers of customs concerning imported cigars. He says when imported cigars are entered for withdrawal from warehouse for exportation, the stamps placed on the box in pursuance of instructions heretofore issued will have marked upon them by an inspector before delivery, with indelible ink, in large, plain letters, the words "For export." The deficiency, if any, in the quantity exported from that originally imported, shall be regarded as subject to duty in the adjustment of the warehouse bond given on importation. In all cases where an order is given for sampling cigars, a direction shall accompany the same requiring a return of the samples, to be replaced in the package in which the same was imported before withdrawal for either transportation, in bond, or export; otherwise the duty is to be paid on such samples not returned, as well as for other deficiency of quantity, if any, when the duty on the same exceeds $1 in amount.

THE GETTYSBURG CEMETERY.

The Board of Directors of the Gettysburg National Cemetery will meet in Washington Wednesday, Dec. 9, and the Board of Trustees at the same place the day after.

WOMAN SUFFRAGE.

Since the Presidential election the particular friends of woman's rights have revived their free discussions, and are taking measures to canvass the city for signatures to petition Congress for woman suffrage in the District of Columbia.

THE INAUGURATION.

The Soldiers and Sailors' Union, of this city, at their meeting to-night, appointed a Committee to aid the organizations of the soldiers and sailors that intend participating in the inaugural ceremonies of Gen. GRANT, as President, in securing quarters and accommodations—communications to be addressed to Col. H. G. OTIS or Major J. E. DOUGHTY, Washington, D. C.

THANKSGIVING.

The Executive and Municipal Departments will be closed Thanksgiving Day, and consequently no public business will be transacted.

INTERNAL REVENUE APPOINTMENTS.

The following Internal Revenue appointments were made to-day:

Storekeepers—THEODORE F. BROWNING, Third Maryland; DANIEL M. EDWARDS, Eighth Massachusetts.

Gaugers—SAMUEL W. DOUGLAS, Fourteenth Ohio; JACOB D. BOAS, Fourteenth Pennsylvania; CHARLES E. GOULD, Third Massachusetts: HORACE M. PIERCE, Nineteenth New-York.

### TURKEY.

**Arrest and Imprisonment of Americans and Englishmen—Efforts of the Consuls in Their Behalf.**

WASHINGTON, D. C., Monday, Nov. 23.

A letter received in Washington, from Syria, dated Oct. 12, states that recently a party of Englishmen and two Americans were charged with having smuggled arms into the interior, for the purpose of overthrowing the Government of the Sultan, and placing it into the hands of the Pacha, who had just lost his succession to the Vice-Royalty of Egypt. The accused parties claim to have been surveying a new railroad route, and that their arms were for the purpose of defending their employes. At the date of the letter they were imprisoned at Damascus. The American Consul-General for Syria and Palestine had sent his Consular clerk to that city to demand the release of the Americans, and their delivery to him for trial according to the provisions of the existing treaty. The Ottoman authorities, frightened at what they suspected to be a treasonable plot, thus far had refused to release the prisoners. The English Consul seemed somewhat indifferent to the fate of his own countrymen. Our Consul-General was endeavoring, while showing all proper respect to the Turkish Government, to give the American prisoners such aid and counsel as was proper. The Consular clerk was sent to the Turkish Governor-General at Damascus, and it was supposed that as he had had experience in arranging similar difficulties at Jappa and Jerusalem, his present errand on behalf of his countrymen would be successful without the necessity of resort to formal diplomatic proceedings.

**Protest of the American Minister.**

CONSTANTINOPLE, Sunday, Nov. 22.

Hon. E. JOY MORRIS, the American Minister, has presented to the Porte an energetic protest against the imprisonment of the two American citizens at Damascus.

### MEXICO.

**Escobedo and the Tamaulipas Expedition Routed by the Insurgents—Probable Pronunciamento of Tampico—Disastrous Inundation.**

NEW-ORLEANS, Monday, Nov. 23.

The *Times* of this evening copies from the Brownsville *Ranchero* extra, dated the 12th instant, letters from Monterey received the previous night. They state that ESCOBEDO, having gone from Tampico to Victoria for the purpose of commencing the Tamaulipas campaign, jointly with the troops from Matamoras, was surprised by the entire force of VARGOS at Hacienda de Alamillas. ESCOBEDO was defeated, barely escaping, with a few of his staff, to Monterey. ESCOBEDO's forces fought badly, and before the fight was over hurrahed for VARGOS and CANALES, and finally declared in favor of the rebels. ESCOBEDO attempted to collect his force at Monterey, but failed, the soldiers refusing to march without first being paid, and afterward openly refused to fight against their Tamaulipas brethren. ESCOBEDO seeing this complicated state of affairs, sent in his resignation, declaring himself incapable of putting down the Tamaulipas revolution. The forces at Victoria under LOPEZ and MONTESINOS becoming demoralized, disbanded themselves, a large portion joining VARGOS' command. It is believed that by this time Tampico has pronounced, as well as other towns in the State, and soon the entire State will be in the hands of VARGOS.

The civil authorities of Manzanillo and other commercial cities, have asked the National Government to enforce the law regulating labor and wages, but the Government has refused the request, declaring the law to be unconstitutional, and arguing that labor should be free of legislative interference.

Heavy inundations in many portions of the country, causing great loss of property, are reported.

The demand of Gen. CANTO to be tried by a military court for the alleged assassination of Gen. PATONI, has been refused, and he will be taken to Durango, the scene of the crime, for trial by the local civil courts.

The National Congress has extended the length of its session.

**Gen. Mejia's Resignation—Gen. Rosecrans' Policy—Wreck of an American Schooner.**

HAVANA, Monday, Nov. 23.

An arrival from Vera Cruz brings the following intelligence from the interior: The resignation of Gen. MEJIA, Minister of War, about to be tried for unauthorized expenditure of public moneys, is considered certain. Gens. DIAZ, ALATORRE and BERRIOZABAL are spoken of as prominent candidates for the office. The report that an insurrection had been organized in the Sierra Puebla by MENDEZ and NEGRETE, proves to be unfounded. That part of the country is perfectly tranquil. The Mexican journals are discussing the probable line of policy to be followed by the new United States Minister, Gen. ROSECRANS, and indulge in much speculation as to what action Gen. GRANT, on assuming his Presidential office, will take concerning the relations of Mexico and the United States. The Mexican Secretary of the Treasury has issued a circular complaining that the officers of many of the Custom-houses disobey the orders of the Department at Mexico and act altogether according to their own will. The American schooner *Eugenie*, from Nautla, for Galveston, was wrecked at the mouth of the Coatzacoalcos River.

### FORTRESS MONROE.

**The Experimental Firing—Prominent Officers Present.**

FORTRESS MONROE, Va., Monday, Nov. 23.

The Board on Experimental Firing resumed operations on Saturday morning. The first shot was fired at the stone pier on the right of the embrasure, at which they had been firing yesterday. It struck the stone-work about five feet from the ground, and near the embrasure, knocking out several large pieces of granite. The second shot struck the pier about in its centre, scattering fine pieces of granite in every direction, and starting some of the outside work. The third shot struck above the first one, and also near the embrasure, doing much damage to the masonry where it was joined to the iron-work, and knocking several pieces off. The fourth was fired at the left hand pier, which is composed of brick and concrete. It struck near the centre of the pier, and crumbled the front part for some two or three feet in thickness entirely to pieces. The rear of the pier, however, was not injured in the least. The arch of brick-work overhead was injured by the preceding shot. Their attention was then turned to the gneiss tower, which received a shot in its centre, damaging it badly, and making the scales fly in every direction. Another shot from an opposite angle struck on the left side, somewhat lower down, doing considerable damage and starting the masonry. They then directed the firing upon the embrasure at the extreme left, the one first experimented on, and which, we understand, is the invention of Gen. TOTTEN, of the Engineer Corps. In the first day's firing they had badly damaged it near and above the embrasure, and to-day they aimed at the solid work, to the right and left of the embrasure, which is supported by stone-work on one side and brick-work on the other. The first shot struck on the right side, being the one supported by stone-work, which made a large opening in the granite and started the stone-work at the rear. A second shot, in exactly the same place, had a most damaging effect upon the work, plowing its way clean through and knocking large pieces far to the rear. A shot was then put through the left hand side of the work, which damaged the brick-work to some extent. The Board, apparently satisfied with the results, closed the experiments for the day.

The following officers, who have been here witnessing the experiments, left Saturday night for the North: Gen. A. A. HUMPHREYS, Chief of Engineers, United States Army; Gens. GILMORE, DELAFIELD and C METCOX, of Gen. GRANT's staff, and BENHAM; Cols. CASEY and HOUSTON; Majors KING and MAHEN. The Board completed their operations to-day and left to-day for the North.

**Reappearance of the New-Orleans Tribune—Arrest of Chicago Thieves.**

NEW ORLEANS, Monday, Nov. 23.

The New-Orleans *Tribune*, the organ of the colored Republicans in Louisiana, owned, edited and published by colored men, reappeared yesterday, after a suspension of six months. In its salutatory it says: While it will ask for the colored men every right belonging to Americans, it will never attempt to abridge that of any other class of citizens. It advocates the enforcement of obedience to all constitutional law. It will raise the voice of justice and appeal to reason.

The *Tribune* receives favorable comments from the evening Press.

Five Chicago and St. Louis thieves, part of the gang lately depredating on the New-Orleans and Jackson Railroad, were arrested here Saturday night.

**Message of the Governor of Ohio to the General Assembly.**

COLUMBUS, Ohio, Monday, Nov. 23.

The Governor's message was read before the General Assembly to-day. He says the financial condition of the State was satisfactory. Extracts from the message are as follows: "The report of the Commissioners for revising the laws relating to the financial system of the State was laid before you last session. Their report was accompanied by eight separate bills for consolidating the present laws. These bills have already been considered in both branches of the Legislature. I recommend their early adoption, with such amendments as your judgment and the public interests may require. The abuse of the election franchise requires the attention of the General Assembly at the present session, and I submit the propriety of amendments to the election laws for the representation of minorities in the boards of judges and clerks of elections, and in registration of lawful voters in each township, ward and precinct, prior to the election. The interests of the common schools will be promoted by the early adoption of a County Superintendency as provided in a bill now pending in one branch of the Assembly. I earnestly recommend the consideration and passage of the bill.

Last Summer a proclamation was issued to prevent the spreading of the cattle disease. I respectfully recommend that authority be given to appoint five commissioners to attend the meeting of the commissioners of other States to be held at Springfield, Ill., on the 1st of December next, and report the result in time for the action of the present Assembly."

**Return of the Wayanda from Alaska—Discovery of Coal—Temper of the Indians.**

WASHINGTON, D. C., Monday, Nov. 23.

The revenue steam cutter *Wayanda*, Capt. J. W. WHITE, has just returned to San Francisco from a Summer cruise to Alaska. Besides visiting many points of interest and importance south of the Aleutian Islands, already comparatively well known, the object of the cruise chiefly in view was accomplished in visiting the important and valuable Islands of St. Paul and St. George and the coasts of Behring's Sea. Much interesting information has been thus procured. South of the Aleutian Islands coal has been discovered in numerous localities along the coast, and of good quality. The Indians have been visited at various points and found well disposed and peaceful, even those from whom difficulty has been anticipated. A number of valuable harbors, not laid down on the charts, have been visited, and described with such accuracy as was possible consistently with the rapidity of movement necessary to accomplish the widely-separated objects in view. The *Wayanda* is now undergoing repairs at San Francisco, and will, as soon as they are completed, return to Alaska for the Winter. Aided by the information thus obtained, the Government will be able to adopt stringent measures during the next year to enforce the laws against illicit traffic and the killing of forbidden fur animals.

**The Cole-Hiscock Trial at Albany.**

ALBANY, N. Y., Monday, Nov. 23.

The trial of Gen. COLE was resumed this afternoon. The testimony of Mr. FINK, a Syracuse banker, as given at the previous trial, was read in evidence. The Coroner's inquisition was submitted and received. An offer was made to prove by JAMES H. CARROLL, the foreman of the Coroner's jury, that a photograph of Mrs. COLE, a silver tobacco-box presented by her to the deceased and letters from various females were found upon the body of Mr. HISCOCK. The prosecution objected on the ground that it was an attempt to prove by piecemeal the fact of adultery, which the Court had already excluded. A lengthy argument was had, but before deciding the question the Court adjourned.

**Extensive Fires Near Sharpsburg, Penn.**

PITTSBURG, Penn., Monday, Nov. 23.

On Sunday, the Vesta Oil Works, owned by KAYLOR, MONTENEIMER & Co., above Sharpsburg, were destroyed by fire, together with six hundred barrels of oil. The loss is about $20,000; fully insured in Eastern Companies.

To-day $5,000 worth of oil was burned at the Cosmos Works, owned by BROWN & WAGNER, in the same vicinity. The fire was caused by a leak. The buildings were saved.

**Close of the Canvass of the Electoral Ticket in New-York State.**

ALBANY, N. Y., Monday, Nov. 23.

The State Canvassers closed the canvass of the electoral ticket to-night. The majority for Gen. SLOCUM, the first elector at large, on the Democratic ticket, is just 10,000 over MARSHALL O'ROBERTS, the first elector at large on the Republican ticket. The average Democratic majority on the whole electoral ticket is 9,963. The total Democratic vote was 429,857, and the total Republican vote 419,894. The total vote of the State was 849,751.

**Death of Gen. Waddy Thompson, of Florida.**

TALLAHASSEE, Fla., Monday, Nov. 23.

Gen. WADDY THOMPSON, who in CALHOUN's time was a member of Congress from South Carolina, and afterward Minister to Mexico, died here this afternoon. He was aged about 70 years.

**The Cuban Town of Batabano Almost Wholly Destroyed by Fire.**

HAVANA, Monday, Nov. 23.

A fire occurred yesterday in Batabano, on the southwest coast of the Island, which destroyed a large portion of the town.

**Miscellaneous Telegrams.**

BUFFALO, N. Y., Nov. 23.—The libel suit of F. PATTERSON against the Rochester *Union & Advertiser* was on trial before the Supreme Court this afternoon.

AUGUSTA, Me., Nov. 23.—The second annual session of the Maine Educational Association convened this evening in the Representative Hall at the State House. Hon. DANIEL WILLIAMS, the Mayor of the city, delivered the address of welcome, which was responded to by Rev. EDWARD BALLARD, the President of the Association. A very able and interesting address was then delivered by WARREN JOHNSON, the State Superintendent of Common Schools. The Convention will be in session for two days. A large number of teachers and those interested in education are in attendance.

RICHMOND, Va., Nov. 23.—Chief Justice CHASE arrived here this evening, and will be on the Bench to-morrow.

JANESVILLE, Wis., Nov. 23.—A fire occurred this morning, which destroyed five frame buildings on South Maine-street, owned by M. MITCHELL, BENNETT and CONNERS. The aggregate loss is about $12,000; insurance small. The fire was the work of an incendiary.

BOSTON, Nov. 23.—Gen. KILPATRICK delivered his lecture on "Sherman's Great March" to-night at the Boston Music Hall, before an immense audience. Two hundred prominent gentlemen, including several distinguished army officers, by invitation of the Committee of Arrangements, occupied seats on the platform.

PHILADELPHIA, Nov. 23.—A Fenian Convention meets in this city to-morrow. It will probably be the largest and most important meeting of representative Irishmen ever held. Great preparations are being made for a parade on Thanksgiving Day. Over three thousand will appear in uniform, and thirty thousand in civil body. The Convention will be held in the Assembly Building.

WORCESTER, Mass., Nov. 23.—An incendiary fire occurred in Milford last night, which partially destroyed the barn belonging to Sheriff HAYWARD. A man named BARNEY KANE was arrested on suspicion of committing the act, and brought before the Police Court this morning and committed to jail in this city.

AUGUSTA, Me., Nov. 23.—A reprieve has been granted in the case of HARRIS, the Auburn murderer, until the second Friday in February.

SPRINGFIELD, Mass., Nov. 23.—S. GRANT SPENCER, a prominent farmer of West Springfield, was thrown from his farm wagon to-day, run over and killed.

**Seduction, Almost a Suicide, and Attempted Murder.**

*From the Providence Herald, Nov. 23.*

A case of conjugal infidelity, involving the happiness of at least two of the parties most directly interested, and furnishing in its developments and final consequences a sad commentary on the frailty of woman and the wickedness of man, has recently come to light in this city. The particulars, as gathered from several sources, are as follows: Among those employed at the establishment of the Gorham Manufacturing Company on Steeple-street, was a young man named EDWARD LAIRD. LAIRD and his wife (who has enjoyed until recently the confidence and respect of her husband, and of a wide circle of friends and acquaintances,) lived on the corner of Richmond and South streets. In the same family lived a young man, a Frenchman, named FRANCOIS PERITVOIS, a stepmate of LAIRD's, and an accounted friend. But he was no friend, as the sequel shows. Taking advantage of the facilities which he enjoyed as a member of the family, and of the confidence reposed in him by the young husband, FRANCOIS succeeded in seducing the wife from the paths of virtue. For a time the criminal intimacy of the parties, though suspected, was concealed; and it was not until LAIRD sternly accused his wife of her guilt that it became positively known. The erring woman confessed that she had had criminal intercourse with FRANCOIS, but implored her husband to forgive her, promising that if he would only do so she would ever after be to him a true and faithful wife. After considering the matter, the husband did forgive her, and the two continued to live together as before. This was some two or three weeks ago. In the meantime, FRANCOIS, thinking it unsafe to remain longer in these parts, fled to New-York. Last Thursday LAIRD discovered letters in the possession of his wife which showed that she had not been true to her promise, but that she still looked with favor upon her seducer. The sight of these letters so enraged LAIRD that he assaulted his wife furiously, striking her a severe blow in the face and knocking her down. The noise of the fracas was heard by the neighbors, who rushed in and separated the parties. That night the wife went to the drug-store of WILLIAM H. GREENE, Jr., on Chestnut-street, and purchased an ounce and a half of laudanum, a portion of which she drank immediately on returning home. At 9 o'clock Friday morning she had not made her appearance, and one of the family went to her room to call her, but found her in a state of insensibility and in an apparently dying condition. Dr. PACKARD was summoned, and on ascertaining the cause of the woman's condition—which the presence of an empty bottle labeled "laudanum" but too plainly revealed—set to work to counteract the effect of the poison. In this he was finally successful, and the woman slowly revived. When sufficiently restored to speak, she declared that she did not wish to live any longer, and begged the Doctor to let her die. Her only wish, she said, was that her husband would kiss her and forgive her. Her husband was not then present, but came in an hour or two after and commenced to upbraid her for her double treachery. He had been drinking, and was very much excited, so much so that a policeman who had been called in, interfered and removed him from the room. A few minutes afterward he was observed making his way to where his wife lay, armed with a large knife, but before he could enter the room he was intercepted, disarmed and arrested. His wife, on being informed of what had transpired, begged that he might be released, but this of course was impossible, and he was taken to the lock-up. He is now under bonds to keep the peace.

### THE WHIPPING-POST.

**Scenes of the Whipping-Post and Pillory in Delaware—Old Men and Boys Publicly Whipped.**

A correspondent of the Philadelphia Evening *Bulletin* writes to that paper a long and graphic description of the public whipping of seven persons at New Castle, Del., on Saturday last. From this account we make the following extracts: This is Saint Pillory's day in New Castle County, and it is being celebrated with appropriate rites. Saint Pillory takes the place here of the goddess of Justice. He is not blindfolded, and he holds no nicely-balanced scales in his hand. He wields a scourge, and his eyes are wide open. All devout Delawareans believe in him, swear by him, and rely on him as their protector and defender. Twice a year in each of the three county towns in the State, Delaware law directs orgies to be held in his honor, and selects victims whose blood is to be shed as an offering to him. I will tell you of his shrine and describe the sacrifice. There were seven persons whipped here today, and the ancient instrument of torture trembled again, as it has done for half a century, in the terrible embrace of its victims. It is a curious old relic of a semi-civilization that is forgotten everywhere else but here. It consists of a sturdy post a foot square. Three feet from the ground it pierces a small platform; and five feet above this there is a cross-piece, which contains, in each of its arms, a hole for the neck, and two holes for the wrists of the miserable wretch who is to suffer its torture. The upper half of the arm lifts to admit the victims and then closes sufficiently tight upon him to impede the circulation of the blood. It is fastened down with a wooden wedge-shaped key, shot into the centre post. The whole machine looks like an gigantic cross, with a platform half way down its length. It is black with age, covered with patches of green mould and moss, and shrunken and spit until the grain of the wood protrudes in ridges. It is as wormeaten and decayed as the villainous code which sustains it; its unsightly, disgusting presence is a worthy type of the conservatism that shakes these people laggard in the march of humanity and progress. There are three of these pillories in the State: in New Castle, Georgetown and Dover. They stretch along down the Peninsula like tide-posts, marking the shoal waters of barbarism amid the weltering, fathomless sea of surrounding civilization.

THE VICTIMS.

The ponderous gates of the jail-yard swung open this morning at 10 o'clock precisely, and admitted a crowd of men and children. By actual count there were 125 little girls and boys present, some of them not more than 4 or 5 years of age. This was the saddest sight of all. Upon the walls were Sheriff's proclamations headed with these words: "God save the State!"—an excellent and most judicious prayer. The State needs God's salvation more than any other in the Union that I know of. The entertainment began by the introduction of WILLIAM JONES to the audience. Mr. JONES had stolen store goods worth $38, and he was sentenced to return that amount of money; stand in the pillory for one hour; be whipped with twenty lashes; be imprisoned for six months, and wear a convict's dress for six months after his release. The first thing in order was the pillory. WILLIAM ascended the long ladder, rather sadly, and the jailor, having placed his neck and hands in the holes, fastened the top bar upon them, and came down to the ground. The criminal was taller than the stock, and he was compelled to bend down just enough to make his position intensely painful. A keen, piercing northeast wind swept in from the broad expanse of the river, and compelled the spectators to blow warmth upon their fingers. Mr. JONES had his circulation stopped, but he could not blow upon his hands. The jagged, splintered edge of the wooden collar rasped his neck until it tore the skin; and whenever he attempted to move his head to make his position more easy, the bar would catch the upper part of his jawbone, and give him exquisite torture.

"Jailor, isn't that pretty severe?"

"Well, yes, it's a very uncomfortable position, and then his fingers and face get numb, you see."

A few years ago, the crowd used to hoot at the pillory-bugged man, and pelt him with mud and filth. When the fathers of these children were boys, they saved up all the cats that died, and the eggs which were spoiled in the town, for the purpose of "vindicating the outraged majesty of the law" upon criminals who stood in this very pillory; and the poor wretches were often disfigured for life, in one hour. It is a triumph for decency that this infamous custom has been abolished. The boys now only dispute the question of the discomfort or comfort of the sufferer. While JONES stood in durance to-day the jailor busied himself preparing for the flogging. This is done beneath the platform of the pillory. The prisoner stands close to the post, and has his arms handcuffed above his head. The jailor experimented upon the eager boys with the handcuffs, in order to ascertain if the victims could slip their hands through them readily. The manacles were too high, so an empty soap-box was placed at the foot of the post for the prisoners to stand on. By this time the man in the pillory began to show symptoms of faintness. The jailor, a tender-hearted fellow—merciful even in executing merciless laws—ascended the ladder, and began to comfort the poor wretch, whose hands were livid with cold, and whose face was purple. At the first stroke of the clock in the church steeple, the jailor quickly lifted the bar, helped the man down the ladder, and supported him while he staggered to his cell.

He had a lashing to bear yet.

THE WHIPPING.

The Sheriff came out with the "cat" in his hand. This venerable weapon consists of a stout handle about two feet long, with nine lashes of somewhat greater length. The thongs are made of thick leather, twisted together, and as hard as wire. They have been soaked with blood before this, and it has dried upon them until their edges are as sharp as knives. The Sheriff has just begun his first office, and this was his first whipping. He looked as if he was ashamed and disgusted.

"I would almost as leave hang a man as this," said he.

The first candidate for the lash was the boy alluded to above, who stole seventy cents worth of pig-iron. The jailor brought him out, fastened him to the post, and removed a rough blanket from his shoulders. He was naked to the waist. The thermometer was at thirty-five degrees.

"Twenty lashes, Sheriff," said the jailor.

The Sheriff swung his "cat" up slowly, and it descended on the bare skin.

"One," said the jailer, "two, three," &c., as the Sheriff struck tenderly, and with not half his seeming strength, struck twenty blows. The skin was not broken, and the boy, looking very sad, was hurried off. This officer is too human for the law. Other Sheriffs that I know of used to stand off and eye the victim as a Western drover would a fly upon his ox, and then measure the distance so nicely that the ends of the thongs would cut bits of skin from the prisoner's back, and bring the blood forth in crimson streams. That was what law and Chief Justices had calculated upon. Out came the jailor with another boy—a boy of fourteen, who was surrounded by running children gazing curiously upon him. He had twenty lashes, also, and as each blow descended his muscles contracted and he tried to dodge to avoid it.

"Why don't the Sheriff make it 'awish?'"

"He ain't half a doin' it," said another.

"He ought to cut into him," observed another man, who seemed to take it to heart that "the outraged majesty of the law" was not better vindicated. When the boy was released, he assumed an air of bravo, and cracked his heels together to signify that he didn't care for such a flogging. All the little girls clapped their hands and laughed at this.

Mr. WILLIAM MULLONEY was the next star actor in this ugly drama. He wanted drawers, and stole a pair, worth a couple of dollars. His sentence was, restitution money, costs, 20 lashes, six months' imprisonment, and six months of convict's costume. Mr. MULLONEY seemed calm, and when the lash fell upon his white shoulders, he only shrugged them, and drew himself up. He went away shivering with cold, and with welts of a finger's thickness on his back.

Then there was a piteous sight. An old man of 70 years, decrepid, feeble and very lame, hobbled out, his gray hairs streaming in the wind. He wanted a shirt, Heaven knows badly enough this bitter Winter weather, and he had very wickedly stolen it. He had none on now. The jailer fastened him to the post and snatched the blanket from his back. His skin was yellow and wrinkled, and it had scars upon it. The lashes fell, and the old man's whole frame was convulsed with agony. He writhed under each blow as if it was unendurable, and at last he put his head down and cried like a child. Most of the spectators were affected. I would like to have had the unfeat judges and the Delaware law-makers look that poor, broken-down old wretch in the face then. I think they were the great criminals, not he.

The jailer whispered in his ear very hurriedly—"It wasn't so very bad, GEORGE, was it?" and then helped him to limp away to his six months' home.

The next was a foppish worshipper at St. Pillory's shrine. He wore fashionable trousers, tucked into aristocratic top-boots of patent leather. But the upper portion of his fine figure was *en dishabille*. CHARLES WHEATLEY was his name, and the annexation of those identical patent-leather boots, his crime. He wore a forced smile upon his face, and tried to assume a satisfied air; but when the "cat" furrowed his back into ugly crimson ridges, he squirmed and twisted as if he did not enjoy it hugely. He danced off with affected gaiety, and the boys and girls rewarded him with cheers and laughter.

There was no cheerfulness about the next man. He had stolen a carpet-bag in the cars at Wilmington, and had been sentenced as severely as the rest. He looked sick and very sad. A plaster was stretched across his bare chest, and he walked with feeble and hesitating step. The jailor said he was very ill. He stood up to the post with his teeth clenched, and his breath coming hard; and as the Sheriff scored his back into swelling cords, he shuddered, as if suffering excruciating pain and overwhelming disgrace.

The last actor in this hideous tragedy was the man who had stood in the pillory for an hour. He seemed hardly recovered from his first torture, and his face indicated keen suffering. He walked to the post with an air of melancholy resignation, placed his blue hands through the manacles, and received his punishment without any utterance but a suppressed moan. As he passed through the grated door of the prison, the crowd began slowly to disperse, and to discuss as they went the excellence of the system, the behavior of the sufferers and the lenity of the Sheriff. It was only in 1855 that some ray of civilization,—some glimmer of decency shone in upon the dull brains of the Legislators, and woman-whipping was abolished. We can thank God and take hope from that forward stride. But they flog little children yet.

### A PHILADELPHIA TRAGEDY.

**An Old Lady Murdered by her Daughter and Son-in-Law—Arrest of the Murderers.**

*From the Philadelphia Inquirer, Nov. 23.*

A horrible murder was committed last night at the large, aristocratic residence situated at the northeast corner of Tenth and Pine streets, and the victim was an elderly lady named MRS. MARY B. HILL, who owns and occupies the property, and whose name appears on the door of the house on a silver plate. The murder was one of the most brutal and revolting ones that has occurred in this city for years, and the following particulars were obtained by our reporter at a late hour last night: About 9:30 o'clock last night, as Policeman HOWARD was patrolling his beat on Pine-street above Tenth, he was hailed by a citizen who resides on Pine-street below Tenth, directly opposite the garden of the house where the murder was committed, who informed him that something must be wrong at Mrs. HILL's residence, and asked him to make an investigation. HOWARD rang the bell, and it was answered by a man named GEORGE S. TWITCHELL, a son-in-law of the murdered woman, and who, in company with his wife (Mrs. HILL's daughter) resided with the deceased, the three being the only occupants of the large and very handsomely furnished house. The officer asked TWITCHELL what was the matter in the the house, when TWITCHELL replied that a woman had fallen out of the window and killed herself. The officer then entered and was conducted by TWITCHELL to the dining-room on the lower floor, where stretched out on a settee, was the murdered body of Mrs. HILL, covered with blood and bearing the evident marks of violence about her head, as though she had been struck two or three times with some iron missile. TWITCHELL and his wife were then secured and assistance called in, when an examination of the premises were made, and but little room was left for doubt that Mrs. HILL had been foully dealt with, her body thrown from the second-story sitting room, window into the garden that adjoins the house on Pine-street, for the officers, on entering the sitting-room mentioned, found a sofa clotted with blood, and pools of blood on the floor in close proximity to it. A cushion on the sofa, also, contained blood, and it was torn as though some blows aimed at the deceased had missed and struck the cushion. The blood was then traced through the sitting-room to the window of a small room that adjoins it on the east. The sill of this window was covered with blood, and it was evident that it had been opened and the body thrown into the yard. An examination of the ground disclosed a large pool of blood directly under the window mentioned, and the congealed condition of this blood when discovered indicated that the body had lain there some time before the officer entered the house. TWITCHELL stated that when Mrs. HILL fell or threw herself from the window, he, in company with a servant girl who came home about that time, went into the yard and carried her into the dinning-room and laid her on the settee, but did not attempt to explain how the blood came on the sofa and floor of the sitting room up stairs. Blood was also traced from the sitting room to the stairway leading down to the first floor, showing conclusively, that after the perpetration of the murder the murderer went down stairs. A police was afterwards found in the yard that contained blood on it, and was undoubtedly used to commit the murder. TWITCHELL was taken to the Eighth Ward station-house. He had blood on his shirt when taken there. Mrs. TWITCHELL

# THE REVENUE FRAUDS.

## Indictment for Conspiracy of Wm. Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, and Several Others.

## They are Charged with Obtaining $10,000 on a Threat of Informing Against Revenue Collector Thomas E. Smith.

**Circuit Court of the United States of America for the Southern District of New-York, in the Second Circuit.**

Southern District of New-York, ss.: The Jurors of the United States of America within and for the District and Circuit aforesaid, on their oath present, that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, all late of the City and County of New-York, in the district and circuit aforesaid, heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, at the City of New-York, and within the jurisdiction of this Court, did unlawfully and corruptly conspire, combine, confederate and agree together, to cause and procure one Thomas E. Smith, late of the City aforesaid, to be charged on the written complaint and affidavit hereinafter stated and set forth, with the violation of the provisions of an act entitled "An act to provide Internal Revenue to support the Government, to pay interest on the public debt, and for other purposes, approved June 30, 1864," as amended by the act of March 3, 1865, and as further amended by the act of July 13, 1866, and to apply for, and to cause and procure a warrant to be issued by a Commissioner of the United States, for the arrest and apprehension of said Thomas E. Smith on the charge aforesaid; and that the said Thomas E. Smith, being charged and arrested as aforesaid, the said Alfred A. Belknap, he, the said Alfred A. Belknap, then and there being an officer and agent of the United States, and a person having charge of the execution, and having charge of the supervision of the execution of the provisions of said act and of the several acts amending the same, as aforesaid, but having no authority by law to demand, accept, attempt to collect, directly or indirectly, as payment, gift or otherwise, any sum of money or other property of value for the compromise, adjustment or settlement of such charge and complaint, should unlawfully attempt to collect, and should demand, accept and receive of and from the said Thomas E. Smith, without being thereunto expressly authorized by law, a large sum of money and other property of value, for the compromise, adjustment and settlement of the said charge and complaint, for the alleged violations of the provisions of said act and of the several acts amending the same as aforesaid. And the jurors aforesaid do further present that in pursuance of such conspiracy, combination, confederacy and agreement, and to effect the object thereof, the said Jacob Depuy did afterward, to wit: On the 11th day of June, in the year of our Lord, 1868, at the City aforesaid, make complaint and did present his affidavit to John A. Osborn, he, the said John A. Osborn, then and there being a Commissioner of the United States in and for the Southern District of New-York, the said John A. Osborn then and there having lawful authority to take said complaint and to issue a warrant thereon, which complaint and affidavit is in the words and figures following, that is to say:

*State of New-York, City and County of New-York, ss. —Jacob Depuy*, of the City of New-York, being first duly sworn, says as follows: I reside at No. 774 Eighth-avenue; I have been in the secret service of the War Department, and still hold a commission in such service without pay; in this position I necessarily acquired a good deal of information in relation to the Revenue Departments in this City; I was first appointed in the above service in the month of November, in the year 1862, and have so continued until the present time, part of the time being under pay, and since June, 1865, not under pay; another affies the appointment of Thomas E. Smith as Collector of the Eighth Internal Revenue Collection District of this State, I became satisfied that great frauds were being perpetrated in said district with the connivance of Thomas E. Smith; on several occasions, at my suggestion, officers of the Metropolitan Police force seized different lots of spirits when they were being removed in and through the City contrary to and in violation of the provisions of the Revenue laws; I knew that the spirits so seized were being removed without the payment of the tax due on it; when the spirits was seized it was taken to Collector Smith and immediately released by him, notwithstanding I had furnished the officers seizing with proof that the spirits so being moved, was being moved in violation of the said law; among other officers who seized spirits as I have above stated, I recollect the names of Albert LineBeck, Daniel Smith, Mr. —— Van Houghton, and I think one McGann; failing to accomplish anything by seizing the spirits as above stated, I continued to keep a close watch of the movements in the spirit business; after I had caused several seizures to be made, several distillers came to me and said that they were all right with Collector Smith; that they had fixed it with him, and they would not be disturbed, and held out inducements to me to take any spirits that I caused to be seized to Collector Smith and it would be discharged; one of them agreed to pay and did pay me $20 a week or not making any complaints or causing any seizures to be made; I accepted this sum because I had in vain done everything I could to effect seizures and secure the forfeiture; the names of the distillers above referred to are Rosenberg, of No. 418 West Thirty-eighth-street; he was the rectifier of the establishment I believe; he said to me that he had paid, and agreed to pay Collector Smith $500 a week while he ran the distillery, and he was willing to give me $50 a week if I would make no complaints, and he did give me that sum weekly while running the distillery; when running they turned out forty or fifty barrels a day on which no tax was paid; Newcombe, of the firm of Eichbot, Newcombe, made similar statements to me about having arranged with Collector Smith, and said that he had an illicit still, and that Smith knew it, but would not disturb them; he offered me $1 a barrel on all they turned out if I would not make any complaint; Gropp, of Fleischmann & Gropp, Thirty-ninth-street, near Ninth-avenue, came to me some morning after their distillery had been seized by William Sherrit, Deputy Collector under Smith; he said that he had been down to Collector Smith's and had arranged matters with him; that he had settled with him, paid him, and got the distillery released, and he wanted to arrange with me not to make any complaints; he said that he had given $225 to be given me; he promised to give me $25 a week while he ran; I had not received that sum of $225; I saw Gropp go to Smith's office that morning, having spotted him after the seizure from their distillery to Smith's office and back to Thirty-ninth-street; the above conversation was on Thirty-ninth-street, on his return from Smith's; he was much excited at the time; Gropp & Fleischmann's distillery was not under seizure at this time more than two hours or so; Mike, the man who did the outside business of the distillery No. 9 Abattoir-place, has told me that they had paid Collector Smith money to keep him quiet; I have heard the same thing from several other having distilleries in the district; it is pretty generally understood in the district among the distillers that the moneys from the distilleries went to Smith instead of for the payment of taxes; on the 1st day of May, 1867, I followed a lot of one hundred and seventy-four barrels of spirits from Woolsey's bonded warehouse in Thirty-seventh-street, near Ninth-avenue, in Smith's district; these barrels of spirits were removed ostensibly for shipment to California; they were taken to Williamsburg and the spirits was there taken out, and I saw water running through the house; the same barrels came back to Woolsey's bonded warehouse; I saw and counted twenty-seven puncheons in which the spirits had been put; I marked two of these puncheons by driving a copper tack in the head or end of the bung stave, and I saw the same two puncheons back in the City in a place in Tenth-avenue; Matthew McConnell, the officer on the beat, went into the bonded warehouse and found water in some of the barrels removed and returned; Kickoff & Newhouse's distillery in Thirty-sixth-street, between Ninth and Tenth avenues, was seized by or turned over to Collector Smith; the head of the still was taken off and put in the Collector's office; notwithstanding this, and while the distillery was in charge of Smith's keepers, the still was being run principally at night, and during this same period, while the still head was at Smith's, they were paying, as they told me, to Smith his weekly sum, and to me the $1 a barrel which they promised me; I am quite well acquainted with the men in Collector Smith's district who are or have been engaged in distilling and rectifying, and have frequently talked with most of them in relation to Collector Smith's management of his district. It is a notorious fact among persons who are familiar with this business, that the business of the said Collector's office so far as it relates to distilling and rectifying, and collection of revenue on account thereof has been fraudulently conducted, and that Collector Smith has reaped a harvest from his office. All the facts above referred to, occurred within two years last past, or within a year from last May.

11th day of June, 1868. JACOB DEPUY.

Subscribed and sworn to before me this 11th day of June, A. D., 1868.

JOHN A. OSBORN, United States Commissioner,

And in further pursuance of said conspiracy and agreement, and to effect the object thereof, the said William Fullerton did then and there, on said complaint and affidavit, apply for and obtain a warrant under the hand and seal of the said John A. Osborn, for the arrest of said Thomas E. Smith, which said warrant is in the words and figures following: "The President of the United States of America to the Marshal of the United States for the Southern District of New-York, and to his deputies, or any or either of them: Whereas, complaint on oath hath been made to me, charging that Thomas E. Smith, Collector of United States Internal Revenue for the Eighth Collection District of the State of New-York, did, at divers times, in the Southern District of New-York, within one year from the 1st day of May last past, knowingly and corruptly accept or receive various sums of money as bribes, from sundry person or persons named in the complaint, contrary to and in violation of the 63d section of the United States Revenue laws, passed June 30, 1864, and acts amendatory thereof.

Now, therefore, you are hereby commanded in the name of the President of the United States of America, to apprehend the said Thomas E. Smith, and bring his body forthwith before me, or some other Judge or Justice of the United States, or United States Commissioner, or a Justice of the Peace or other magistrate of the State of New-York, wherever he may be found, that he may then and there be dealt with according to law for the said offence.

Given under my hand and seal this 12th day of June, in the year of our Lord 1868.

JOHN A. OSBORN,
United States Commissioner
for the Southern District of New-York.

SAMUEL G. COURTNEY, United States District-Attorney.

That afterward, and on the 12th day of June, in the year of our Lord 1868, in pursuance of said conspiracy and to effect the object thereof, the said Edward J. Windust, representing himself falsely to be a Deputy Marshal of the United States in and for said Southern District of New-York, arrested said Thomas E. Smith on said warrant and afterward and on the 13th day of June in the year of our Lord 1868, at the City of New-York, in further pursuance of said conspiracy and to effect the object thereof, the said Alfred A. Belknap, he, the said Alfred A. Belknap, then and there being such officer, agent and person as aforesaid did unlawfully demand, accept and attempt to collect, and did collect and receive of and from said Thomas E. Smith, $10,000 in money and other property of great value for the compromise, adjustment and settlement of such charge and complaint for the alleged violation of the provisions of the said act and of the several acts amending the same as aforesaid against the peace of the said United States and their dignity and against the form of the statute of the United States in such case made and provided.

SECOND COUNT.

And the jurors aforesaid upon their oath aforesaid, do further present that said Thomas E. Smith having been charged with the violation of the provisions of the act, [the act is here quoted governing the case,] and a warrant for the arrest of the said Thomas E. Smith having been issued on the 12th day of June, 1868, by John A. Osborn, he, the said John A. Osborn, then and there being a United States Commissioner in and for the Southern District of New-York, and duly authorized by law to take said complaint, and to issue such warrant, said William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the district and circuit aforesaid heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, at the City of New-York, and within the jurisdiction of this Court, did unlawfully and corruptly conspire, combine, confederate and agree together that the said Alfred A. Belknap, he, the said Alfred A. Belknap, then being an officer and agent of the United States and a person charged with the execution and with the supervision of the execution of the provisions of said act, and of the several acts amending the same as aforesaid, but having no authority to demand, accept, or to attempt to collect directly or indirectly, as payment, gift or otherwise, any sum of money or other property of value for the compromise, adjustment or settlement of such charge and complaint, should unlawfully attempt to collect, and should demand, accept and receive of and from the said Thomas E. Smith, without being thereunto expressly authorized by law, a large sum of money and other property of value, for the compromise, adjustment and settlement of the said charge and complaint for the alleged violations of the provisions of said act, and of the several acts amending the same as aforesaid. And the jurors aforesaid do further present that in pursuance of such conspiracy, combination, confederacy and agreement, and to effect the object thereof, the said Jacob Depuy did afterward, to wit: On the 11th day of June, in the year of our Lord, 1868, at the City aforesaid, make complaint and did present his affidavit to John A. Osborn, he, the said John A. Osborn, then and there being a Commissioner of the United States in and for the Southern District of New-York, the said John A. Osborn then and there having lawful authority to take said complaint and to issue a warrant thereon, which complaint and affidavit is in the words and figures following, that is to say:

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Smith; on several occasions, at my suggestion, officers of the Metropolitan Police force seized different lots of spirits when they were being removed in and through the City contrary to and in violation of the provisions of the Revenue laws; I knew that the spirits so seized were being removed without the payment of the tax due on it; when the spirits was seized it was taken to Collector Smith and immediately released by him, notwithstanding I had furnished the officers seizing with proof that the spirits so being moved, was being moved in violation of the said law; among other officers who seized spirits as I have above stated, I recollect the names of Albert LineBeck, Daniel Smith, Mr. —— Van Houghton, and I think one McGann; failing to accomplish anything by seizing the spirits as above stated, I continued to keep a close watch of the movements in the spirit business; after I had caused several seizures to be made, several distillers came to me and said that they were all right with Collector Smith; that they had fixed it with him, and they would not be disturbed, and held out inducements to me to take any spirits that I caused to be seized to Collector Smith and it would be discharged; one of them agreed to pay and did pay me $20 a week or not making any complaints or causing any seizures to be made; I accepted this sum because I had in vain done everything I could to effect seizures and secure the forfeiture; the names of the distillers above referred to are Rosenberg, of No. 418 West Thirty-eighth-street; he was the rectifier of the establishment I believe; he said to me that he had paid, and agreed to pay Collector Smith $500 a week while he ran the distillery, and he was willing to give me $50 a week if I would make no complaints, and he did give me that sum weekly while running the distillery; when running they turned out forty or fifty barrels a day on which no tax was paid; Newcombe, of the firm of Eichbot, Newcombe, made similar statements to me about having arranged with Collector Smith, and said that he had an illicit still, and that Smith knew it, but would not disturb them; he offered me $1 a barrel on all they turned out if I would not make any complaint; Gropp, of Fleischmann & Gropp, Thirty-ninth-street, near Ninth-avenue, came to me some morning after their distillery had been seized by William Sherrit, Deputy Collector under Smith; he said that he had been down to Collector Smith's and had arranged matters with him; that he had settled with him, paid him, and got the distillery released, and he wanted to arrange with me not to make any complaints; he said that he had given $225 to be given me; he promised to give me $25 a week while he ran; I had not received that sum of $225; I saw Gropp go to Smith's office that morning, having spotted him after the seizure from their distillery to Smith's office and back to Thirty-ninth-street; the above conversation was on Thirty-ninth-street, on his return from Smith's; he was much excited at the time; Gropp & Fleischmann's distillery was not under seizure at this time more than two hours or so; Mike, the man who did the outside business of the distillery No. 9 Abattoir-place, has told me that they had paid Collector Smith money to keep him quiet; I have heard the same thing from several other having distilleries in the district; it is pretty generally understood in the district among the distillers that the moneys from the distilleries went to Smith instead of for the payment of taxes; on the 1st day of May, 1867, I followed a lot of one hundred and seventy-four barrels of spirits from Woolsey's bonded warehouse in Thirty-seventh-street, near Ninth-avenue, in Smith's district; these barrels of spirits were removed ostensibly for shipment to California; they were taken to Williamsburg and the spirits was there taken out, and I saw water running through the house; the same barrels came back to Woolsey's bonded warehouse; I saw and counted twenty-seven puncheons in which the spirits had been put; I marked two of these puncheons by driving a copper tack in the head or end of the bung stave, and I saw the same two puncheons back in the City in a place in Tenth-avenue; Matthew McConnell, the officer on the beat, went into the bonded warehouse and found water in some of the barrels removed and returned; Kickoff & Newhouse's distillery in Thirty-sixth-street, between Ninth and Tenth avenues, was seized by or turned over to Collector Smith; the head of the still was taken off and put in the Collector's office; notwithstanding this, and while the distillery was in charge of Smith's keepers, the still was being run principally at night, and during this same period, while the still head was at Smith's, they were paying, as they told me, to Smith his weekly sum, and to me the $1 a barrel which they promised me; I am quite well acquainted with the men in Collector Smith's district who are or have been engaged in distilling and rectifying, and have frequently talked with most of them in relation to Collector Smith's management of his district. It is a notorious fact among persons who are familiar with this business, that the business of the said Collector's office so far as it relates to distilling and rectifying, and collection of revenue on account thereof has been fraudulently conducted, and that Collector Smith has reaped a harvest from his office. All the facts above referred to, occurred within two years last past, or within a year from last May.

11th day of June, 1868. JACOB DEPUY.

Subscribed and sworn to before me this 11th day of June, A. D., 1868.

JOHN A. OSBORN, United States Commissioner,

And in further pursuance of said conspiracy and agreement, and to effect the object thereof, the said William Fullerton did then and there, on said complaint and affidavit, apply for and obtain a warrant under the hand and seal of the said John A. Osborn, for the arrest of said Thomas E. Smith, which said warrant is in the words and figures following: "The President of the United States of America to the Marshal of the United States for the Southern District of New-York, and to his deputies, or any or either of them: Whereas, complaint on oath hath been made to me, charging that Thomas E. Smith, Collector of United States Internal Revenue for the Eighth Collection District of the State of New-York, did, at divers times, in the Southern District of New-York, within one year from the 1st day of May last past, knowingly and corruptly accept or receive various sums of money as bribes, from sundry person or persons named in the complaint, contrary to and in violation of the 63d section of the United States Revenue laws, passed June 30, 1864, and acts amendatory thereof.

Now, therefore, you are hereby commanded in the name of the President of the United States of America, to apprehend the said Thomas E. Smith, and bring his body forthwith before me, or some other Judge or Justice of the United States, or United States Commissioner, or a Justice of the Peace or other magistrate of the State of New-York, wherever he may be found, that he may then and there be dealt with according to law for the said offence.

Given under my hand and seal this 12th day of June, in the year of our Lord 1868.

JOHN A. OSBORN,
United States Commissioner
for the Southern District of New-York.

SAMUEL G. COURTNEY, United States District-Attorney.

That afterward, and on the 12th day of June, in the year of our Lord 1868, in pursuance of said conspiracy and to effect the object thereof, the said Edward J. Windust, representing himself falsely to be a Deputy Marshal of the United States in and for said Southern District of New-York, arrested said Thomas E. Smith on said warrant and afterward and on the 13th day of June in the year of our Lord 1868, at the City of New-York, in further pursuance of said conspiracy and to effect the object thereof, the said Alfred A. Belknap, he, the said Alfred A. Belknap, then and there being such officer, agent and person as aforesaid did unlawfully demand, accept and attempt to collect, and did collect and receive of and from said Thomas E. Smith, $10,000 in money and other property of great value for the compromise, adjustment and settlement of such charge and complaint for the alleged violation of the provisions of the said act and of the several acts amending the same as aforesaid against the peace of the said United States and their dignity and against the form of the statute of the United States in such case made and provided.

THIRD COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present that on the 11th day of June, in the year of our Lord 1868, said Jacob Depuy did make his complaint and affidavit in writing, before John A. Osborn, a Commissioner of the United States Circuit Court in and for the Southern District of New York, the said John A. Osborn then and having lawful authority to take such complaints, in which affidavit he affirmed that Thomas E. Smith was guilty of the violation of the provisions of the act entitled "An Act to provide internal revenue, to support the Government and to pay interest on the public debt," approved June 30, 1864, and as in first count in this that said Thomas E. Smith had therefore, in violation of the provisions of said act, and of the several acts amending the same as aforesaid, unlawfully and corruptly conspired with one Gropp and one Eichbot, Newhouse and others, to defraud the United States of the tax due on distilled spirits, and did at divers times from May, 1967, to May, 1868, while Collector of Internal Revenue in and for the Eighth Collection District of the State of New-York, knowingly and corruptly accept and receive various sums of money as bribes from a person and persons named in the said complaint and affidavit, and in violation of the 63d section of the United States Revenue laws approved June 30th, 1864, and acts amendatory thereof. That the said John A. Osborn did thereupon issue his warrant, dated the 12th day of June, 1868, under his hand and seal, for the arrest of the said Thomas E. Smith, to the said John A. Osborn then and there having lawful authority to issue said warrant, and the jurors do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the District and Circuit aforesaid, heretofore, to wit, on the 12th day of June, in the year of our Lord, 1868, at the City of New-York and within the jurisdiction of this Court, did corruptly and unlawfully conspire, combine, confederate and agree together, corruptly and by threats and force to obstruct and impede, and to endeavor to obstruct and impede the due administration of justice in the matter of the said complaint made before said Commissioner as aforesaid, and then and there pending against the said Thomas E. Smith, before the said Commissioner in the United States Circuit Court in and for the Southern District of New-York; and in pursuance of such conspiracy, combination, confederacy and agreement, and to effect the object thereof, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did conceal and keep from the Attorney for the United States in and for said Southern District of New-York, the fact that complaint had been made and a warrant issued against the said Thomas E. Smith, and then and there prevented the said Attorney from being informed thereof; and they, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did obtain said warrant from said John A. Osborn, and did keep the same from the possession or knowledge of the United States Marshal in and for said Southern District of New-York, and did advise, persuade and induce said Thomas E. Smith to run away and depart from the State of New-York and go to Canada, and out of the jurisdiction of the United States Circuit Court in and for the Southern District of New-York, and out of the jurisdiction of said Commissioner, and, in consideration of the sum of $10,000, and other property of value to them paid and delivered by said Thomas E. Smith, did promise to and agree with said Thomas E. Smith, to take care of said Thomas E. Smith, and to protect him from the prosecution of said charge, and alleged violations of the laws aforesaid, against the peace of the said United States and their dignity, and against the form of the statute of the said United States in such case made and provided.

FOURTH COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present that said Alfred A. Belknap, being an officer of the United States, and holding a place of trust and profit, and discharging an official function under and in connection with the Treasury Department of the United States, and being charged as such officer with the investigation of complaints made against persons for violations of the provisions of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt and for other purposes;" approved June 30, 1864. And complaint having been made against one Thomas E. Smith, late Collector of Internal Revenue for the Eighth Collection District of the State of New York, charging that said Thomas E. Smith had conspired with other persons to commit an offence against the laws of the United States, and for having as such Collector accepted and received bribes from various persons in violation of the provisions of the 63d section of said act of July 13, 1866; and the said Alfred A. Belknap having undertaken, in pursuance of his duty as such officer, the investigation into the truth of such charges and complaints; and it being the duty of said Alfred A. Belknap, in case the charges and complaints should prove to be well founded, and it should be ascertained that said Thos. E. Smith had been guilty of said offence and violation of said act, to cause him to be prosecuted therefor, the said Alfred A. Belknap, Wm. Fullerton, Jacob Depuy, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the District and Circuit aforesaid, heretofore, to wit: on the 11th day of June, in the year of our Lord 1868, at the City of New-York, and within the jurisdiction of this Court, did corruptly and unlawfully conspire, combine, confederate and agree together to cause and procure the said Thomas E. Smith to promise, offer and give a large sum of money, to wit, the sum of $10,000 and other property of value, to the said Alfred A. Belknap, he, the said Alfred A. Belknap, then and there being such officer as aforesaid, and being then and there engaged in the investigation of the charge and complaint against the said Thomas E. Smith, as aforesaid, for the violation of the provisions of the act aforesaid, and of the several acts amending the same as aforesaid. And in pursuance of such conspiracy and agreement, and to effect the object thereof, the said William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, did, on divers times, at the Southern District of New-York, knowingly and corruptly accept and receive various sums of money as bribes from a person and persons named in the said complaint and affidavit, and in violation of the 63d section of the United States Revenue laws approved June 30th, 1864, and acts amendatory thereof. That the said John A. Osborn did thereupon issue his warrant, dated the 12th day of June, 1868, under his hand and seal, for the arrest of the said Thomas E. Smith, to the said John A. Osborn then and there having lawful authority to issue said warrant, and the jurors do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the District and Circuit aforesaid, heretofore, to wit, on the 12th day of June, in the year of our Lord, 1868, at the City of New-York, and within the jurisdiction of this Court, did corruptly and unlawfully conspire, combine, confederate and agree together, corruptly and by threats and force to obstruct and impede, and to endeavor to obstruct and impede the due administration of justice in the matter of the said complaint made before said Commissioner as aforesaid, and then and there pending against the said Thomas E. Smith, before the said Commissioner in the United States Circuit Court in and for the Southern District of New-York; and in pursuance of such conspiracy, combination, confederacy and agreement, and to effect the object thereof, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did conceal and keep from the Attorney for the United States in and for said Southern District of New-York, the fact that complaint had been made and a warrant issued against the said Thomas E. Smith, and then and there prevented the said Attorney from being informed thereof; and they, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did obtain said warrant from said John A. Osborn, and did keep the same from the possession or knowledge of the United States Marshal in and for said Southern District of New-York, and did advise, persuade and induce said Thomas E. Smith to run away and depart from the State of New-York and go to Canada, and out of the jurisdiction of the United States Circuit Court in and for the Southern District of New-York, and out of the jurisdiction of said Commissioner, and, in consideration of the sum of $10,000, and other property of value to them paid and delivered by said Thomas E. Smith, did promise to and agree with said Thomas E. Smith, to take care of said Thomas E. Smith, and to protect him from the prosecution of said charge, and alleged violations of the laws aforesaid, against the peace of the said United States and their dignity, and against the form of the statute of the said United States in such case made and provided.

FIFTH COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present that said Alfred A. Belknap, being an officer of the United States, and holding a place of trust and profit, and discharging an official function under and in connection with the Treasury Department of the United States, and being charged as such officer with the investigation of complaints made against persons for violations of the provisions of an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt and for other purposes;" approved June 30, 1864. And complaint having been made against one Thomas E. Smith, late Collector of Internal Revenue for the Eighth Collection District of the State of New-York, charging that said Thomas E. Smith had conspired with other persons to commit an offence against the laws of the United States, and for having as such Collector accepted and received bribes from various persons in violation of the provisions of the 63d section of said act of July 13, 1866; and the said Alfred A. Belknap having undertaken, in pursuance of his duty as such officer, the investigation into the truth of such charges and complaints; and it being the duty of said Alfred A. Belknap, in case the charges and complaints should prove to be well founded, and it should be ascertained that said Thos. E. Smith had been guilty of said offence and violation of said act, to cause him to be prosecuted therefor, the said Alfred A. Belknap, Wm. Fullerton, Jacob Depuy, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the District and Circuit aforesaid, heretofore, to wit: on the 11th day of June, in the year of our Lord 1868, at the City of New-York, and within the jurisdiction of this Court, did corruptly and unlawfully conspire, combine, confederate and agree together to cause and procure the said Thomas E. Smith to promise, offer and give a large sum of money, to wit, the sum of $10,000 and other property of value, to the said Alfred A. Belknap, he, the said Alfred A. Belknap, then and there being such officer as aforesaid, and being then and there engaged in the investigation of the charge and complaint against the said Thomas E. Smith, as aforesaid, for the violation of the provisions of the act aforesaid, and of the several acts amending the same as aforesaid. And in pursuance of such conspiracy and agreement, and to effect the object thereof, the said William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, did, on divers times, at the Southern District of New-York, knowingly and corruptly accept and receive various sums of money as bribes from a person and persons named in the said complaint and affidavit, and in violation of the 63d section of the United States Revenue laws approved June 30th, 1864, and acts amendatory thereof. That the said John A. Osborn did thereupon issue his warrant, dated the 12th day of June, 1868, under his hand and seal, for the arrest of the said Thomas E. Smith, to the said John A. Osborn then and there having lawful authority to issue said warrant, and the jurors do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, together with divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the District and Circuit aforesaid, heretofore, to wit, on the 12th day of June, in the year of our Lord, 1868, at the City of New-York, and within the jurisdiction of this Court, did corruptly and unlawfully conspire, combine, confederate and agree together to obstruct and impede the due administration of justice in the matter of the said complaint made before said Commissioner as aforesaid, and then and there pending against the said Thomas E. Smith, before the said Commissioner in the United States Circuit Court in and for the Southern District of New-York; and in pursuance of such conspiracy, combination, confederacy and agreement, and to effect the object thereof, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did conceal and keep from the Attorney for the United States in and for said Southern District of New-York, the fact that complaint had been made and a warrant issued against the said Thomas E. Smith, and then and there prevented the said Attorney from being informed thereof; and they, the said William Fullerton, Alfred A. Belknap, Jacob Depuy and Edward J. Windust, did obtain said warrant from said John A. Osborn, and did keep the same from the possession or knowledge of the United States Marshal in and for said Southern District of New-York, and did advise, persuade and induce said Thomas E. Smith to run away and depart from the State of New-York and go to Canada, and out of the jurisdiction of the United States Circuit Court in and for the Southern District of New-York, and out of the jurisdiction of said Commissioner, and, in consideration of the sum of $10,000, and other property of value to them paid and delivered by said Thomas E. Smith, did promise to and agree with said Thomas E. Smith, to take care of said Thomas E. Smith, and to protect him from the prosecution of said charge, and alleged violations of the laws aforesaid, against the peace of the said United States and their dignity, and against the form of the statute of the said United States in such case made and provided.

SIXTH COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, and divers other persons whose names are to the jurors unknown, late of the City and County of New-York, in the district and circuit aforesaid, heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, at the City of New-York, and within the jurisdiction of this Court, did unlawfully, knowingly and willfully combine, conspire, confederate and agree together and among themselves to commit a certain other offence against the laws of the United States, to wit: to cause and procure to be given by said Thomas E. Smith certain money, to wit, the sum of $10,000, and certain other property of value, from said Thomas E. Smith, then and there, as a consideration for not informing against certain violations of the act of Congress entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act of March 3, 1865, and as further amended by the act of July 13, 1866, alleged to have been committed by him, the said Thomas E. Smith; and that he, the said Daniel C. Birdsall, did afterward, to wit, in the year of our Lord, 1868, to effect the object and in pursuance of the said conspiracy, receive the said sum of $10,000, and the other property of value aforesaid, from him, the said Thomas E. Smith, against the peace of the said United States, and their dignity, and against the form of the statute of the said United States, and their dignity, and against the form of the statute of the said United States in such case made and provided.

SEVENTH COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, and divers other persons whose names are to the jurors unknown, all late of the City and County of New-York, in the district and circuit aforesaid, heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, at the Southern District of New-York, and within the jurisdiction of this Court, did knowingly and willfully combine, conspire, confederate and agree together and among themselves to commit a certain other offence against the laws of the United States, to wit, to receive certain money, to wit, the sum of $10,000, and certain other property of value, from said Thomas E. Smith, then and there, as a consideration for not informing against certain violations of the act of Congress entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act of March 3, 1865, and as further amended by the act of July 13, 1866, alleged to have been committed by him, the said Thomas E. Smith; and that he, the said Daniel C. Birdsall, did afterward, to wit, in the year of our Lord, 1868, to effect the object and in pursuance of the said conspiracy, receive the said sum of $10,000, and the other property of value aforesaid, from him, the said Thomas E. Smith, against the peace of the said United States, and their dignity, and against the form of the statute of the said United States in such case made and provided.

EIGHTH COUNT.

And the jurors aforesaid, on their oath aforesaid, do further present that William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, and divers other persons to the jurors unknown, all late of the City and County of New-York, in the district and circuit aforesaid, heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, at the Southern District of New-York, and within the jurisdiction of this Court, did knowingly and willfully combine, conspire, confederate and agree together to commit a certain offence against the laws of the United States, to wit, to receive certain money, to wit, the sum of $10,000, and certain other property of value, from one Thomas E. Smith, then and there, under a threat of informing against certain violations of the act of Congress entitled "An Act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act of March 3, 1865, and as further amended by the act of July 13, 1866, alleged to have been committed by him, the said Thomas E. Smith, and that he, the said Daniel C. Birdsall did, afterward, to wit, on the 12th day of June, in the year of our Lord, 1868, to effect the object and in pursuance of the said conspiracy, receive the said sum of $10,000 and the other property of value aforesaid, from him, the said Thomas E. Smith, against the peace of the said United States and their dignity, and against the form of the statute of the said United States, in such cases made and provided.

NINTH COUNT.

And the jurors aforesaid, upon their oath aforesaid, do further present, that complaint having been made and being then lawfully pending before John A. Osborn, he, the said John A. Osborn, then and there being a Commissioner duly appointed by the Circuit Court of the United States for the Southern District of New-York, in the Second Circuit, against said Thomas E. Smith, late Collector of Internal Revenue for the Eighth Collection District of the State of New-York, for having theretofore and subsequent to the 2d day of March, 1867, unlawfully conspired with other persons to commit an offence against the laws of the United States, and with having as such Collector, and since the 13th day of July, 1866, corruptly accepted and received large sums of money from certain persons as a bribe, with intent to influence his decision and action on certain questions pending before him as such Collector at the time of receiving said sums of money, William Fullerton, Jacob Depuy, Alfred A. Belknap, Daniel C. Birdsall, Edward J. Windust, and divers other persons to the jurors unknown, all late of the City and County of New-York, in the district and circuit aforesaid, at the Southern District of New-York, and within the jurisdiction of this Court, heretofore, to wit, on the 11th day of June, in the year of our Lord 1868, did knowingly and willfully conspire, combine, confederate and agree together to obtain of and from said Thomas E. Smith a large sum of money, to wit, $10,000 and other property of value, under a threat of informing, and as a consideration for not informing against the offences for which said Thomas E. Smith was then and there charged before said John A. Osborn, and against said violations of the act of Congress entitled "An Act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act of March 3, 1865, and as further amended by the act of July 13, 1866; and as further amended by the act of March 2, 1867; and that, in pursuance of said conspiracy, and to effect the object thereof, afterward, to wit, on the 12th day of June in the said year 1868, he, the said Daniel C. Birdsall, did receive from the said Thomas E. Smith the said sum of $10,000, and the other property of value aforesaid, then and there, against the peace of the United States and their dignity, and against the form of the statute of the said United States in such case made and provided.

SAMUEL G. COURTNEY,
United States Attorney.

## A Curious Lawsuit—Small Business for Able-Bodied Men.

The Binghamton (N. Y.) *Republican* has the following story: "An extraordinary suit at law, between two prominent men of Broome County, SIMON BIGLER, an extensive farmer and lumberman, and Col. OLIVER C. CROCKER, President of the Agricultural Society of Broome, and one of our most substantial citizens, took place yesterday afternoon in this city. The facts are briefly as follows: For a long time no very cordial feeling has existed between these gentlemen; but a year or two ago a man named HOLLAND, thinking perhaps to make peace, and certainly to make money for Col. CROCKER, by whom he was employed, bargained for the use of some of Mr. BIGLER'S land as a 'skidding' ground for logs he was drawing. The bargain was made, it is claimed, during Col. CROCKER'S absence, but he assumed it, and BIGLER was to have a fair price. The land was used, and some rails broken, and other damage done. But Mr. BIGLER and Col. CROCKER could not agree as to the price, and no settlement was made. This was the principal bone of contention. Another branch of the suit was far more interesting. It originated in this wise: Col. CROCKER offered a premium of $25 fourteen months ago for the greatest number and best articles that should be exhibited at the Broome County Fair by any one person. Mr. BIGLER saw the notice in the *Republican*, where it had been printed upon authority of Col. CROCKER,

poor. A lad named CHARLES BENGTON, charged with the larceny of a dozen brooms from JOHN PETZER, pleaded guilty and was discharged, on giving bail to appear when wanted.

ARREST OF A JUSTICE OF PEACE FOR EMBEZZLEMENT.—THOS. W. MAIRES, a Justice of the Peace, of Hudson City, was arrested yesterday for having appropriated to his own use the sum of $60, the property of THOS. MCGINNIS, who, when committed to jail, left the amount in charge of MAIRES.

ROBBERY.—A few days since two boys succeeded in robbing the money drawer of S. A. CHAROTTE, corner of Newark-avenue and Warren-street, Jersey City. While one kept the boy in attendance busily engaged, the other succeeded in robbing the till.

WARD ELECTION.—JAMES SILVER, who volunteered as a private soldier, and served with the "Boys in Blue," is the Republican candidate for the Aldermanship of the Fifth Ward, Jersey City, vacant by the retirement of Alderman CASSIDY.

SENTENCED.—At the Special Sessions held in Newark yesterday, NORWOOD HATFIELD was ordered a year in the State Prison for highway robbery, and GEORGE LANGHARDT was sentenced to three years in the State Prison for grand larceny.

ALLEGED FRAUD.—Mr. E. C. PAGE was arrested at Elizabeth on Saturday, charged by A. B. HAYS with having attempted to defraud his former employers out of $850, which he collected. PAGE says he has the receipts of the firm for the money.

ACCIDENTALLY SHOT.—A youth named JOHN MORGAN, residing at No. 7 New-street, Newark, was accidentally shot at Snake Hill on Saturday by the son of a Dr. GILBERT, while both were out shooting.

## LAW REPORTS.

### COURT CALENDARS FOR TUESDAY.

SUPREME COURT—GENERAL TERM.

*Held by Ingraham, Mullier and J. F. Barnard, JJ.—Court opens at 10:30 A. M.*

*Enumerated Motions.*

| Nos. | Nos. |
|---|---|
| 159—Burke et al. vs. Valentine et al. | 161—Bach et al. vs. Foote et al. |
| 170—Silverwood vs. Lane et al. | 162—Sturgis et al. vs. Spofford. |
| 171—McIntyre, Ex'r., vs. Fischer. | 163—Libby vs. Rosekrans et al. |
| 172—Luke vs. Close et al. | 183½—Preferred—Huff vs. McGurk. |
| 173—Luke vs. Kilson et al. | 184—Waylor vs. Kelly. |
| 175—Manhattan Gaslight Co. vs. Ross, Implead. | 185—Douglass vs. Mayer. |
| 176—Cahill et al. vs. Courtlandt et al. | 186—Marshall vs. Stirling. |
| 178—Wiltse vs. Uriche. | 187—Kelsey vs. Nor. Light Oil Co. |
| 179—Haviland et al. vs. Mayor et al. | 188—Floto vs. Osgood et al. |
| 180—B. River National Bank vs. Steinreich. | 189—Foley (by guardian) vs. McDonald et al. |

During the remainder of the term the Court will open at 10 A. M.

SUPREME COURT—SPECIAL TERM.

*Held by Cardozo, J.—Court opens at 10:30 A. M.*

*Issues of Law and Fact.*

| Nos. | Nos. |
|---|---|
| 33—Brett et al. vs. Van Arsdale et al. | 252—Henry, Ex'r., vs. People. |
| 205—Middlefield F. and B'ld'g Stone Co. vs. Dayton et al. | 254—Van Riper vs. Reed. |
| | 342—Crammy vs. Hogan, impleaded. |
| | 112—Clark vs. Smith, Ex'r. |

SUPREME COURT—CHAMBERS.

*Held by Sutherland, J.—Court opens at 10 A. M.—Call of Calendar at 12 M.*

| Nos. | Nos. |
|---|---|
| 62—Leonard vs. Leonard. | 67—Melchers vs. Reed. |
| 80———— vs. ——— | 95—Fowler vs. Lowenstein. |
| 48—Beroloisheimer vs. Clogewell. | 96—Mollenhauer vs. Mollenhauer. |
| 89—Heath vs. Bank of Carolina. | 168—Young vs. Chapin et al. |
| 97—Withers vs. Richardson. | 115— vs. ——— |
| 33—Barrett vs. Howell. | 122— vs. ——— |
| 76—Kingsland vs. Boyle. | 129— vs. ——— |
| 77—Elmendorf vs. Savage. | 131— vs. ——— |
| 78—Reed vs. Wood. | 153— vs. ——— |
| 81—Vandewater vs. Rec'r of Col. M. I. Co. | 135— vs. ——— |
| Call No. 150. | |

SUPREME COURT—CIRCUIT.

*Held by Barnard, J.—Court opens at 10½ A. M.—Oyer and Terminer Business and Civil Calendar.*

| Nos. | Nos. |
|---|---|
| 4416—Atlantic Dock Co. vs. the Mayor et al. | 1497—Brose vs. Blatchford. |
| 1469—Bailey et al. vs. Hudson R. R. R. Co. | 1499—Stenton vs. Bayley et al. |
| 1128—Wagnon vs. Eneas. | 1501—Clark vs. Leland. |
| 1297—Woossolin vs. Kuphal. | 1507—Samuel vs. Goldbach. |
| 1337—Dewison vs. Kanges et al. | 1509—Blun et al. vs. Scheffaner. |
| 1468—O'Brien vs. Wannemacher. | 1515—Agnut vs. Lombard. |
| 1465—Fraser et al vs. Berace. | 1517—Edwards vs. Busteed. |
| 1467—Pumfelly vs. Santa Rita Co. | 1519—Cawood vs. Conklin et al. |
| 1469—Osgood et al. vs. Lippman et al. | 1521—Sloat vs. Conklin et al. |
| 1495—Hanson vs. Knight. | 1535—The People ex rel. Damall vs. Board of Imp. et Regis. et al. |

SUPERIOR COURT—TRIAL TERM.

*Part I.—Held by McCunn, J.—Court opens at 11 A. M.*

| Nos. | Nos. |
|---|---|
| 367—Reilly, Adm'r., vs. Banks. | 433—Schleestein vs. Steinhard. |
| 278—Talliman vs. Murray. | 299—Ingleson vs. Matthews. |
| 282—Stechler vs. Callaghan. | ——Rankin vs. Van Loon. |
| 291—Solomon, by G'd'n, vs. U. P., N. & E. R. R. Co. | 423—Frayne vs. Beatty. |
| 317—O'Connel vs. Lane. | 163—McColl et al. vs. Sun Mut. Ins. Co. |
| 225—Gast vs. Nathan. | 169—Wiggins vs. Baker. |
| 239—Ulman vs. Jacobs et al. | 421—Lampson vs. O'Brien, Sheriff. |
| 287—Lamb, by Guardian, vs. N. J. Steamboat Co. | |

SUPERIOR COURT—TRIAL TERM.

*Part II.—Held by Robertson, C. J.—Court opens at 11 A. M.*

| Nos. | Nos. |
|---|---|
| 232—Fowler vs. Barnham. | 254—Tolano vs. Nat. Steam Navigation Co. |
| 226—Thomann, by Gd'n, vs. George and wife. | 378—Chapman vs. Fyfe. |
| 302—Mayhew vs. Novelty Iron Works. | 328—Lowman vs. Lowman. |
| 354—Paddon vs. Union Ferry Company. | 328—Canniff vs. Von Hope. |
| 604—Barnes vs. Adriance. | 462—Sheppard vs. Brooks. |
| 360—Burns vs. Second-av. Railroad Company. | 594—Toledo Fire and Marine Ins. Co. vs. McAuliffe. |
| 383—Lenhoff, by Guardian, et al. vs. Dinsmore, Pres. | 598—McAuliffe vs. Utter. |
| | 600—Hatch et al., vs. Challis. |

COMMON PLEAS—TRIAL TERM.

*Part I.—Held by Barrett, J.—Court opens at 11 A. M.*

| Nos. | Nos. |
|---|---|
| 193—Kennedy vs. Reed. | 196—Darrow et al. vs. Brough |
| 166—Schatterly vs. Gardiner. | 63—Hammond vs. Cropsey. |
| 194—Hidden vs. Lattle. | |

MARINE COURT—TRIAL TERM.

*Before Alker, J.—Court opens at 10 A. M.*

| Nos. | Nos. |
|---|---|
| ——Knickerbocker Ice Co. vs. Pestara. | 918—Jardine vs. Moore. |
| ——Remington et al vs. Simmons. | 925—Flynn vs. Linton. |
| ——Wiel vs. Jacoby. | 927—Brehm vs. Lauer. |
| 808½—Upshaldor vs. Longham. | 929—Pierce vs. Ingram. |
| 836—K'naber vs. The Cong. | 931—Mendon vs. Snowdon. |
| ——Gorth vs. Runk. | 935—Sweehard vs. Hunter. |
| 867—Palmer vs. Kelly. | 936—Brown vs. Corning. |
| 883—Moynah vs. Moore. | 937—Conoklin vs. Corning. |
| 894—Sams vs. Sams. | 940—Reilly vs. Place. |
| 906—Cipperly vs. Feeney. | 942—Beach vs. Lane. |
| 911—Schmidt vs. Ham. | 944—Klein vs. Levins. |
| 912—Hanson vs. Stanfield. | 945—Sutton vs. Moxneim. |
| 917—Delmar vs. Kaiser. | 946—London vs. Cole. |
| | 950—Shields vs. Bass. |
| | 951—Solomon vs. Sallinger. |
| | 952—Hogan vs. Alexander. |
| | 957—Kaiser vs. Shipman. |

COMMON PLEAS—TRIAL TERM—PART II.

*Held by Brady, J.—Court opens at 11 A. M.*

Case on before a jury.

Equity Calendar finished.

### UNITED STATES CIRCUIT COURT—SOUTHERN DISTRICT.

COLLISION ON HUDSON RIVER—PASSENGER BOAT AND TOW-BOAT—SPEED—APPEAL PAPERS.

*J. W. Hancox, Owner of the Steamboat Rip Van Winkle, vs. The Steamboat Syracuse.*—This was an appeal by the owners of the *Syracuse* from a decree made by Judge Shipman in the District Court, holding her liable for the damages caused by a collision with the passenger steamer *Rip Van Winkle*.

NELSON, C. J.—The collision in this case occurred on the Hudson River on the morning of the 16th May, 1866, between 1 and 2 o'clock, opposite the buoy situated on the west bank of what is called Percy's Reach, near the City of Hudson, between a tow of the steamer *Syracuse* and the *Rip Van Winkle*. The *Syracuse* was descending this reach of the river on the west side, with two tows lashed to her sides; the *Rip Van Winkle* was ascending on her usual trip from New-York to Troy. This vessel came up on the west side to a point called Brandow's Hollow, the usual place for taking a sheer to the eastern side; and seeing ahead of her the lights of several vessels in the river, on both shores, one whistle was blown to indicate that she intended to pass the vessels on the west side to the right, which was answered by the *Syracuse*, and also by the *Joe Johnson*, another steamer, with several tows, descending ahead of the *Syracuse;* and after blowing the whistle and receiving the response, she immediately took a course to the eastern shore across the river toward the eastern shore, and while on this course across the river, encountered the barge on the larboard side of the *Syracuse*, resulting in serious damage to the *Rip Van Winkle*. The libel places the fault of the *Syracuse* exclusively on the fact that the course of the *Rip Van Winkle* was such that there was abundant room left in the channel, between her and the west shore, for the *Syracuse* with her two tows to have passed down safely; but that she altered her course by a sudden sheer into the river, and thereby caused the collision. We have looked into the proofs on this point with some care, and after studying the facts, are compelled to the conclusion that the libelant has failed to sustain this position. The proofs show that the *Joe Johnson*, which was ahead of the *Syracuse*, had a long hawser tow; and that before the *Rip Van Winkle* blew her whistle to pass to the right, and was answered by the *Syracuse*, she, the *Syracuse*, had passed this hawser tow on the east, and had lapped some few feet on the tug, or steamer, and was some fifteen or twenty feet to the east of her in the channel; and we have the testimony of Lansing, Captain of the *Syracuse*, Marshall, the pilot, Drake, the engineer, and Coon, on one of the tows of the *Syracuse*, that immediately on hearing the whistle of the *Rip Van Winkle*, and answering it, the bells of the *Syracuse* were rung to slow, and to stop, which were instantly obeyed, and with the vessel checked in her course; and all agree that the stopping the vessel had the effect to turn her head to the west, for the reason that the barge on her larboard side was much heavier laden and drew a greater depth of water than the one on her starboard. This not only repels the idea of a sheer into the *Rip Van Winkle*, but was the best movement she could make. It is also a fact, not in dispute, that if the above view of the case is maintainable, there was abundance of room in the channel for the *Rip Van Winkle* to have passed in safety; and, therefore, she must have been nearer the west shore than she supposed. Besides this evidence that the *Syracuse* did not make the sheer into the river as charged, the proofs show that the *Rip Van Winkle* was clearly in fault in keeping up her high rate of speed while crossing the river at this reach, in the midst of the vessels which at this time occupied it. There were two tugs with tows on the western side, and one nearly opposite on the eastern. The morning was somewhat dark, with occasional starlight and one of the pilots on board the *Rip Van Winkle*, when he first saw the lights, says it appeared as if the river was filled with vessels, and they became the subject of conversation between him and the other pilot. And yet the pilot in charge of the navigation of the vessel admits that he did not slacken his speed, but crossed among these vessels at his usual rate. That rate was seventeen miles the hour. We cannot avoid referring to the confused and painfully tedious mode of taking the evidence by questions and answers in this case, and not by way of narrative. The folio has been fourfold what it would otherwise have been, and the surplus is worse than useless. We trust that this most inconvenient and embarrassing mode of taking testimony will be corrected by the rules recently adopted both by the District and Circuit Courts on the subject. These observations are not intended to apply any more to the present case than to most of the appeals before me for some time past.

The decree below reversed, and decree dismissing the libel.

For libelant, Mr. McMahon; for appellants, Benedict and Benedict.

### UNITED STATES DISTRICT COURT—SOUTHERN DISTRICT OF NEW-YORK.

*Before Judge Blatchford.*

THE KENTUCKY BOURBON CASE TO BE TRIED.

At the opening of the Court yesterday morning the District-Attorney informed the Court that he had received instructions concerning the Kentucky Bourbon Company, and other important cases, embracing in all about thirty indictments. In reply to the Court's inquiry as to the import of the instructions, Mr. Courtney said: "I have just received from the Attorney-General instructions concerning those cases postponed by his orders. I am now directed to bring them on at the earliest possible time. My witnesses are all here, and I trust the defence will interpose no delay.

Mr. Sedgwick, counsel for Frost, and J. M. Smith, counsel for Messmore, two of the defendants in the Kentucky Bourbon Company case, were present in Court, and said that they would communicate with their clients at once.

The DISTRICT ATTORNEY said that the cases must be tried (if they were to be tried) in the early part of December.

Mr. Courtney asked that the case of the Kentucky Bourbon Company be set down for trial on the 1st day of December.

Counsel for the defendants objected to this, and said that it would be impossible for them to get ready in so short a time, as they had to send to Ohio for important witnesses.

The Judge said that he wished counsel would arrange between them for a day when the case should be tried, and that on the day set the trial would surely be proceeded with, so that if counsel wished to make any motions in the case, they must be made prior to the day set for trial.

After some further discussion, the Judge set the case down for trial on Monday, the 7th of December, and said that counsel must be ready to try it on that day.

THE TRADESMEN'S BANK EMBEZZLING CASE.

*The United States vs. Garnius E. Baker.*—This case was then taken up for trial. The indictment alleges that the defendant, who was paying-teller of the Tradesmen's Bank in August last, did knowingly and fraudulently misapply, and use for his own benefit, the funds of the said bank, to the amount of $66,000 and over.

The Government called *Richard Berry*, who testified as follows: I am President of the Tradesmen's National Bank, and have been such for the last seven years; I have known the defendant for twenty-five years; he has been connected with the Tradesmen's Bank for over twenty-five years; the bank has been organized as the National Tradesmen's Bank since the 27th day of March, 1865; the defendant was connected with the bank until the 15th day of August, 1867; he was the custodian of the cash of the bank; he was first or paying teller; the Tradesmen's Bank was the redeeming agent for the First National Bank of Brooklyn; it was the defendant's duty to make up the daily account of that bank; the charge made by the second teller is the evidence of credit made to the First National Bank. (Witness was shown several papers and said one of them was in the handwriting of the defendant, and the other papers were in the handwriting of clerks in the bank, and the footing up was in the handwriting of the defendant. The paper and statement referred to here are duplicate lists of exchanges between the First National Bank and the Tradesmen's Bank on the 17th of June last. One of them foots up $46,000 and the other $56,000, and it is alleged that there has been a fraud to the extent of $10,000 committed on one of the statements.) Witness proceeded—On the 17th day of June, 1867, there was an examination into the accounts of the defendant as paying teller; there was a committee of five Directors appointed (of which I was a member) to examine the cash, to see if it corresponded with the books; I assisted in the counting of the cash, which was in the custody of the defendant; the amount of cash counted was $740,915 61; the committee found no discrepancies in the defendant's books; we sent to Brooklyn for the original slips of exchange. Witness was shown a bank book, and identified it as the pass book of Woodward, Lawrence & Co., and said a pass book is the evidence of the indebtedness of that bank to the defendant, in the cashier of bank; the entries are made at the same time the deposit is made; the evidence remaining in the bank to show the fact of the deposit is the entry in the cash book of the bank from the book of the receiving teller; at the time the deposit is made the depositor also presents a statement; the second teller, or receiving teller, as he is called, receives the deposits in the bank; it was not the duty of the paying teller to receive a deposit, and if the case should be that he did receive a deposit, it is his duty to give it to the receiving teller and see that it is entered in the cash books; this would be his receipt; the next examination into the cash of the defendant was made by myself on the 18th of August, 1867; the Cashier took part in the examination; the defendant represented that on the evening before his cash was $783,085 91; I counted the principal part of this cash; the cash was in the vault of the bank; I ordered it to be brought to me and I counted it; I counted over $500,000 of it personally; the Cashier and I counted the entire amount; I counted the compound notes, which amounted to $436,930; I cannot remember specifically all the cash I counted, but I counted the bulk of it; the defendant was present at this time; I asked him if there was anything wrong in his cash and he made me no reply, and I could get no satisfaction from him; I asked him if he was short $10,000; he made no reply; I then asked him if he was short $50,000, and he made no direct reply, but said he wished he was dead; all this took place before I counted the money; he walked up and down while I was counting the cash; I cannot specify the exact money that I counted; I cannot say how many of the legal-tender notes I counted; I found $436,930 in compound interest notes.

*Cross-examined by Mr. Sedgwick*—There was no change made in the officers when the bank changed from a State organization to a National one; the defendant was not appointed at any meeting of the Board of Directors since the bank became a national Bank; he held over the same as the other officers; the defendant has been first teller since my earliest recollection.

The Government then called *Anthony Halsey*, who testified: I was Cashier of the Tradesmen's National Bank in June, July and August last year; I know the defendant; he was paying teller at the bank; I found the slip of paper relating to Woodward & Co.'s deposit in the defendant's private drawer, some days after the 16th August, perhaps the 16th or 17th of that month; I aided Mr. Berry on Aug. 15 in counting the cash; I and the porter brought in the defendant's cash; we looked over the different items; I found about $100,000 in legal-tender notes; I counted but about $100,000 of the legal-tender notes; the President counted all the rest; I saw all there was there; the defendant was present during the whole of the examination; we asked the defendant where his deficiency was; he replied that it was all in the legal-tender notes which were in his box; he gave me the key, and I opened it in his presence; the bank porter brought the box from the vault; after finding the slip in the defendant's drawer I examined the account of Woodward, Lawrence & Co., and the amount of the slip was not entered to their credit. (The slip here referred to is a memorandum of a deposit made by Woodward, Lawrence & Co., and found in the defendant's private drawer.) It is the duty of the receiving teller to make the credits on the deposits; it is the duty of any person, other than the receiving teller, if he receives a deposit, to hand it over, ticket and all, to the receiving teller; the credits are made up from the deposit tickets, of which this is one; the effect of withholding a ticket would cause the receiving teller's cash to be over, and the effect to the party making the deposit would be that he would not get credit for it; I know the firm of Woodward, Lawrence & Co., of this City; we have had a question with them concerning a deposit made by them last August.

*Cross-examined*—I do not know that the receiving teller ever had that deposit ticket in his possession; I do not know that the receiving teller often makes deposits in tickets for depositors.

Adjourned to Wednesday morning.

BANKRUPTCY—ARREST OF BANKRUPT—STAY OF PROCEEDINGS—PROBABLE DEBT.

*In the Matter of Myron Rosenberg.*—In this case, on the day after the filing of the petition a creditor commenced a suit against him in a State court to recover the price of goods sold to him, and on the next day, on affidavit that the debt was fraudulently contracted, an order of arrest was issued against him, and he was arrested and gave bail. He thereafter obtained from this Court, under the 21st section of the Bankruptcy act, a stay of proceedings in the State court, except the perfecting of bail, and the question of his discharge should be determined in this Court. The creditor now moved to set aside that stay, which was heard on affidavit, as to the circumstances of the alleged fraud. It did not appear that the creditor had proved his debt in the bankruptcy proceedings.

BLATCHFORD, J.—It is difficult to give an entirely satisfactory construction to the provisions of the 21st section. We have, first, the case of a creditor who proves his debt. The penalty imposed upon him for proving his debt is that he is debarred from maintaining any suit thereafter against the bankrupt. He is debarred from not doing so not merely until the question of the bankrupt discharge shall have been determined, but forever. He is declared to have waived all right of action against the bankrupt, and to have discharged and surrendered, by proving his debt, all proceedings already commenced and all unsatisfied judgments already obtained thereon. This provision in regard to debts proved must be construed in connection with the clause of section 33, which declares that "no debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary capacity, shall be discharged under this act, but the debt may be proved and the dividend thereon shall be a payment on account of said debt." No consequences can be allowed, under section 21, to flow from proving a debt which are inconsistent with the provisions of section 33. Therefore so much of section 21 as imposes a penalty for proving a debt cannot be construed as applying to a debt which, by section 33, is not dischargeable. We have next, in section 21, the case of a creditor whose debt is provable. This includes provable debts which are proved as well as provable debts which are not proved, and therefore includes debts which are embraced in the preceding provision in regard to penalties for proving debts. Now the creditor in a provable debt, whether it is proved or not proved, is not to be allowed to prosecute to final judgment any suit therefor against the bankrupt, until the question of his discharge has been determined. If the debt is provable but not proved, the only penalty on the creditor for being a credit or is that his right of action is to be suspended until the Bankruptcy Court has decided as to the debtor's discharge. If the debt is proved, then to that penalty is added the further penalty of a waiver of all right of action forever against the bankrupt, and a discharge and surrender of all pending proceedings and unsatisfied judgments, provided the debt is a dischargeable debt. The provisions of section 21 thus far considered are addressed quite as much to the Courts of the States as to the bankruptcy tribunals, and are to be applied and enforced by the former quite as much as by the latter. The section then goes on to provide that "any such suit or proceedings," that is any suit or proceedings to recover a provable debt, whether proved or not proved, and if proved, whether dischargeable or not, "shall, upon the application of the bankrupt, be stayed, to await the determination of the Court in Bankruptcy on the question of the discharge, provided, &c." This provision is especially addressed to the Bankruptcy Court, and the stay provided for is to be, and is, in practice, granted by that Court. The manifest object of the provision is to relieve the bankrupt, while he is proceeding in good faith to obtain his discharge, and until the question of his discharge is determined, and he either obtains it or is refused it, from being harassed by suits for the recovery of provable debts. If the amount of a debt is in dispute, the suit may proceed so as to put the debt in a condition of provability, and then it must stop. If a discharge is granted, then the bankrupt is able to plead the discharge in any suit that may have been stayed, and the stay ceases. When the discharge is pleaded, the question of the extent of its operation upon the debts of the bankrupt, and whether a particular debt is or is not discharged by it, comes up for determination by the Court in which the suit is pending in which it is pleaded. If a suit be then brought for a debt which has been proved in the bankruptcy proceeding, and the discharge is pleaded, and it is shown in reply that the debt is within the exceptions in section 33, it is for the Court in which the suit is brought to decide whether, under section 21 of the act, the proving of the debt deprives the creditor of the benefit of section 33. So, too, if the discharge is refused the stay ceases, its object having been accomplished, and the bankrupt having had the opportunity, unharassed by suits, to endeavor to obtain his discharge. What seems to be the effect, under section 21, of proving a debt, where a discharge is refused to the bankrupt, is a question which does not arise for consideration in this case. I only allude to it, as connected with the embarrassment that is felt in arriving at any perfectly satisfactory construction of all parts of the 21st section. I am satisfied, however, that the good sense of the section is that an action to recover a provable debt is to be stayed until a determination is had as to the discharge, whether the debt be one that will be discharged or one that will not be discharged. I have heretofore taken a different view of this section, (In re Seymour, 6 Int. Rev. Rec., 60,) and have in some cases instituted an inquiry into the dischargeability of a debt, with a view to staying a suit brought to recover it, if it were found by this Court to be dischargeable, and to refuse such stay if the debt were found to be not dischargeable. But, on fuller consideration, I think that the section cannot properly bear any other construction than the one I now give to it. The stay is only temporary thing. The discharge is the permanent thing. The object of the stay is to give time for putting into action the permanent bar to the debt. There is reason in staying suits for all debts which can be proved in bankruptcy, so that when the suits proceed again the bankrupt may, if he can obtain a discharge, have the additional claim to it will furnish him. But there is no good reason why the Bankruptcy Court should enter, in advance of a discharge, upon the inquiry as to whether the discharge will, when pleaded in bar of a particular debt, operate to discharge that debt. That inquiry is one properly to be made only by the Court in which a direct suit on the debt is pending, and whose determination would be a binding judgment on the question between the parties. Such an inquiry by this Court, made with a view to see whether it shall or shall not stay a suit, will not have the effect of making its determination *res adjudicata* between the parties, so as to preclude further inquiry by another Court. Another controlling view suggests itself. A discharge may not be granted, and then the debt be an expensive and profitless inquiry as to the probable effect of a possible discharge. No such proceeding was intended by the statute.

I think it proper to say that this construction of the 21st section has no application to the last clause of the 26th section in regard to the liability of a bankrupt to arrest. By the specific provision of that clause the bankrupt is entitled to be relieved from arrest if the arrest is founded on a debt from which his discharge, if granted, would release him, and this Court is required, so long as the question of a discharge is undetermined, to inquire whether the arrest is founded on such a debt. As the debt in this case is a provable debt, the stay of proceedings was proper and the motion to vacate the stay is denied.

Beach and Beiman for the creditor; Benedict and Boardman for the bankrupt.

### SUPERIOR COURT—TRIAL TERM—PART II. NOV. 23

*Before Chief Justice Robertson and a Jury.*

SUIT AGAINST A HUDSON RIVER RAILROAD CONDUCTOR.

*David Mountain* vs. *Thomas G. C. Patterson.*—The defendant is a conductor of the Hudson River Railroad, and is charged by plaintiff with false imprisonment, in having, on the 28th of February last, put plaintiff off a downward train of that road at Yonkers, and caused his imprisonment in the Station-house during the night. According to plaintiff's testimony, he was carried past his destination (which was Yonkers) on the up train to Peekskill, and was told by the conductor to state the case to the conductor of the down train and he would not be charged any fare; that he did so state the case to the conductor of the down train, but fare was demanded, and after some parley defendant tendered the fare but the conductor then refused it, and on arriving at Yonkers put plaintiff in custody of a policeman on a charge of drunken and disorderly conduct; that he was confined in the Station-house over night and discharged next morning, defendant not appearing against him.

Defendant testified that plaintiff was drunk and disorderly, and used profane and obscene language greatly to the annoyance of the other passengers, and that he refused at any time to pay his fare.

Mr. Withers, a passenger, confirmed the conductor's statement, and said that plaintiff urged his two companions not to pay their fare before he conductor came round.

The evidence was concluded at the adjournment of the Court, and the case will be summed up this morning.

### COURT OF COMMON PLEAS—SPECIAL TERM.—NOV. 23.

*Before Judge Daly.*

THE CASE OF GEORGE B. DAVIS—MOTION TO VACATE ORDER OF ARREST DENIED.

*Joshua F. Bailey* vs. *George B. Davis.*—Counsel for defendant in this case moved, this morning, to vacate the order of arrest under which his client is confined, in Ludlow-street Jail, on a charge of malicious prosecution and libel, preferred by plaintiff, who is Collector of Internal Revenue of the Eighth District of this City. After hearing the affidavits and statements of counsel, the Court denied the motion to vacate, but gave defendat's counsel liberty to produce further papers on a motion to reduce the bail, which now stands at $10,000.

Mr. Cheney for the motion; Mr. Vanderpoel opposed.

### NEW-YORK COMMON PLEAS—PART II.—Nov. 23.

*Before Judge Brady.*

*Adele Brioso* vs. *The Pacific Mutual Insurance Company.*—This case came up from the calendar of jury trials upon an order of Judge Brady. The plaintiff's complaint demanded an amendment of the policy and application for insurance, and a recovery upon a policy so amended.

The plaintiff claims that the application was made to the Insurance Company to insure eighteen boxes of indigo from La Union in Gautemala to Panama, *via* Realijo.

William Meyer, the brother-in-law of the plaintiff, testified that he received from Panama in the Spring of 1860 letters and a bill of lading of the eighteen boxes of indigo from La Union to Panama, *via* Realijo, to be sent in the *Dos Hermanos;* that he did all those papers in possession of the Company and asked for insurance; that the open policy upon which the insurance was written was left in the possession of the Company, and that he never knew that the words *via* Realijo were omitted until after the loss.

The defendant proved that the application did not say anything about permission to go *via* Realijo; neither was it inserted in the policy, and claimed that the Company never granted nor knew of the deviation *via* Realijo until after the loss, and claimed that the plaintiff must make out a mistake by both parties, or that the application was contrary to the agreement of both parties, before the plaintiff could apply to have a mistake corrected.

The Judge took the papers and reserved his decision.

W. G. Choate for plaintiff; Wm. Tracy and John McDonald for defendant.

### DECISIONS.

SUPERIOR COURT—SPECIAL TERM.—NOV. 23.

*By Judge Barbour.*

Leavins *vs.* Jarvis; motion granted and cause referred.

Mark *vs.* Jacobs; motion denied, with $10 costs.

Rhodes *vs.* Dymock; motion granted, with $10 costs.

Rockwell *vs.* Memme; motion granted and interrogatories settled.

Roe *vs.* Conger; motion granted.

Howe *vs.* Spaulding; motion granted.

Shea *vs.* Flynn; motion granted and proceedings in meantime stayed.

Hodgkin *vs.* Chapin et al; motion granted.

Howard *vs.* Smith; motion staying proceedings sixty days granted.

Pike et al. *vs.* Hunter; draft order erroneous; see note on order with Special Term Clerk.

Lavin *vs.* Doherty; motion for judgment and assessment of damages granted.

Kuhn et al. *vs.* Stevens et al; motion granted.

COMMON PLEAS—SPECIAL TERM—NOV. 23.

*By Judge Barrett.*

Sensendorfer *vs.* Chaffer; motion for injunction and receiver denied, and temporary injunction dissolved.

### COURT OF GENERAL SESSIONS.

*Before Judge Russel.*

Yesterday, in the Court of General Sessions, six cases were presented for trial, two of forgery, two of larceny, one of burglary and one of robbery.

Ignacio Balte and Manuel Wertha were tried for stealing a gold watch, valued at $200, from MR. Jacob M. Shorter, a resident of New-Jersey. The theft was committed on the night of the 3d inst., while the complainant was in the *Tribune* counting-room awaiting the election returns. Detectives, who were present at the time, witnessed the larceny and arrested the thieves, in whose possession the time-keeper was found. The evidence against them was conclusive, and the jury promptly convicted them. They were sent to State Prison for five years each.

Reverdy G. Alexander, who was indicted for attempting to pass a forged check on the Bank of New-York for $800, in payment of a bill due the proprietors of the Fifth Avenue Hotel, pleaded guilty to forgery in the fourth degree.

William Van Wagner, against whom were other complaints, pleaded guilty to forgery in the fourth degree. The indictment charged that on the 18th of September he falsely represented to Hugh Mitchell that he was Mr. William H. Lee, and obtained $80, giving as collateral security a forged check for $850 on the Commercial National Bank.

Both the prisoners were remanded for sentence. The Court then adjourned until 11 o'clock this morning.

## MONETARY AFFAIRS.

**Sales at the Stock Exchange**—Nov. 23, 1868.

| | | | |
|---|---|---|---|
| $10,000 U. S. 6s, '81, C. | 115⅝ | 300 West. U. T. | 36¼ |
| 1,000 U. S. 6s, 5-20 R., '62 | 107¾ | 100 do.,30 call | 36⅜ |
| 500 U. S. 6s, 5-20 C., '62 | 112 | 25 Del. & Hud. Can. bet. call | 130 |
| 57,000 do. | 112¼ | 200 Q. S. Pref. | 48 |
| 5,000 U. S. 6s, 5-20, C., '64 | 107⅛ | 100 Mar. Min. Co. | 4 |
| 1,500 5-20 C., '65 | 108 | 100 Canton Co. b. e | 58 |
| 12,000 do. | 108 | 200 Mar. Pf. | 21½ |
| 30,000 do. | 108 | 10 Boston W. P. | 15½ |
| 30,000 U. S. 5-20 C., '65, new | 108⅜ | 100 Adams Ex. | 49 |
| 1,000 U.S. 10-40, C. | 105 | 10 do. 2d call | 49 |
| 50,000 do. | 105⅜ | 100 U. S. Ex. 2d call | 49 |
| 10,000 5-20 C., '67 | 110⅜ | 15 Wells-Fargo Ex. | 97½ |
| 15,000 do. | 110⅜ | 410 Merch. Un. Ex. | 123¼ |
| 5,000 do. | 110⅜ | 100 N. Y. Cen. | 124⅜ |
| 10,000 do. | 110⅜ | 800 do. | 124⅝ |
| 3,000 do. | 111⅜ | 500 do. | 124⅞ |
| 17,000 U. S. 5-20 C., '68 | 110⅜ | 50 Erie. | 98¼ |
| 1,500 U. S. 10-40, 1868 | 105 | 200 Olev. & Pitts. | 87¼ |
| 3,000 Brook. 6s, P. L. | 93 | 1000 do. | 87¼ |
| 5,000 Tenn. 6s, 3 c. | 69½ | 200 do. | 87¼ |
| 10,000 do. | 69¾ | 100 Hudson River. | 127½ |
| 1,000 Tenn. St. 6s, new | 68¼ | 200 do. | 127¾ |
| 10,000 do. | 68¼ | 100 do. | 127¾ |
| 25,000 do. | 68 | 100 do. | 127¾ |
| 10,000 N. Car. St. 6s | 65 | 200 Mich. So. & N. I. | 88 |
| 10,000 do. bet. call | 65 | 100 do. | 88¼ |
| 6,000 N. Car. 6s, new | 63¾ | 100 do. | 88¼ |
| 1,000 do. | 63¾ | 200 do. | 88¼ |
| 5,000 Missouri St. 6s, bet. call | 89⅛ | 200 Chi. & N. W | 86¼ |
| 16,000 do. 2d call | 89⅛ | 100 Chi. & N.W. Pf. | 97¾ |
| 2,000 Erie 1st M. | 90 | 100 do. b30 | 97¾ |
| 3,000 Alt. & T. H. In. | 80 | 600 do. | 97¾ |
| 1,000 Gt. West. 2d M. | 77 | 800 Olev. & Tol. | 100¼ |
| 1,000 Del. L. W. 2d M. | 100 | 200 do. | 100 |
| 1,000 Mor. & Es. 1st M. | 96 | 44 Lake Shore. | 98 |
| 1,000 do. | 96½ | 22 do. | 98¼ |
| 10,000 Mor. & Es. 2d M. | 90 | 300 Chi. & R. I. | 106⅝ |
| 4,500 C. & R. C. 1st M. | 107 | 100 do. | 106⅝ |
| 10,000 M. & St. P. 1st M. | 102 | 77 Chi., Bur. & Q. | 106⅝ |
| 20,000 do. | 102¼ | 140 Mil. & St. P. | 66 |
| 10,000 do. | 102½ | 100 do. | 65¾ |
| 2,000 M. & St. P. 1st S. | 83 | 800 do. | 65¾ |
| 4,000 Chi. & G. F. 1st | 74⅜ | 400 Mil. & St. P. Pf. | 85 |
| 2,000 Am. Dock & Im. Co. | 97 | 100 do. b60 | 86 |
| 6,000 C. P. & C. 1st. 2d call | 74½ | 400 do. | 84⅜ |
| 1,500 H. & St. J. L. G. Bds. | 110½ | 100 do. | 84⅜ |
| 1,000 Tol. & W. 2. M. | 82 | 500 do. | 109¼ |
| 6 Mechanics' Bank | 130 | 200 do. | 109 |
| 3 Met. Bank | 142 | 500 Onio & Miss. | 30¾ |
| 100 Cum. Coal Pf. | 40 | 100 do. | 30¾ |
| 100 do. | 4⅛ | 5 Han. & St. Jo. Pf. | 90 |
| 200 do. 2d call | 40 | | |

SECOND BOARD—12½ P. M.

| | | | |
|---|---|---|---|
| $10,000 U. S. 6s, '81, C. | 115⅛ | 100 Cum. C. Pf. | 40⅛ |
| 25,000 do. | 115⅛ | 100 do. | 40¼ |
| 10,000 5-20 C, '62 | 112⅝ | 60 do. | 40¼ |
| 15,000 do. | 112⅝ | 100 do. | 40¼ |
| 64,000 do. | 112⅜ | 200 Mariposa Pf. | 21½ |
| 5,000 do. small | 112⅜ | 200 Pac. Mail. | 112¾ |
| 50,000 do. | 112⅝ | 16 do. | 113¼ |
| 25,000 do. ex in. '20 | 111¼ | 100 Adams Ex. | 49 |
| 2,000 U. S. 6s, '81, R. | 115 | 200 do. | 49 |
| 2,000 do. | 115⅛ | 100 American Ex. | 49 |
| 16,000 5-20 C., '64 | 107⅞ | 300 Wells-Fargo Ex. | 97½ |
| 1,500 U. S. 6s, 5-20 C., '65 | 108 | 12 U. S. Ex. | 49¼ |
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# The New-York Times.

NEW-YORK, TUESDAY, NOV. 24, 1868.



**Amusements this Evening.**

ACADEMY OF MUSIC.
14th-st. and Irving-place.
FRA DIAVOLO. Characters by Mme. Rotter, Miss Kate McElroy, Messrs. Hableman, Richards, Dubreuil, Jos. Hermans and Roncoui.

BROOKLYN ACADEMY OF MUSIC.
Montague-st.
THE GRAND DUCHESSE OF GEROLSTEIN. Leading character by Mlle. Tostee.

BIKE'S OPERA HOUSE.
23d-st., corner 8th-av.
BARBE BLEUE. Characters by Mlle. Irma, Mlle. De Rosa, M. Decre, M. Leduc, M. Aujac, M. Duchesne, M. Guidon and others.

WALLACK'S THEATRE.
Broadway, corner 13th-st.
THE LANCASHIRE LASS. Characters by Messrs. J. W. Wallack, Chas. Fisher, Geo. Holland, A. W. Young, C. H. Rockwell, J. W. Leonard, Miss Rose Eytinge, Mrs. Clara Jennings, Mrs. S. Brown and others.

OLYMPIC THEATRE.
Broadway, between Houston and Bleecker sts.
HUMPTY DUMPTY. Characters by Mr. Geo. L. Fox, Mr. F. Lacy, Mr. C. K. Fox, Mlle. Laurent, Mrs. C. Rumonds, Miss E. Harrison, Mr. F. Sinclair and others.

NIBLO'S GARDEN.
Broadway, between Prince and Houston sts.
AFTER DARK; Or, LONDON BY NIGHT. Characters by Miss Louisa Moore, Miss Edith Chaills, Messrs. Rankin, Vane, Ryan, Coleman and others.

FRENCH THEATRE.
14th-st., near 6th-av.
GENEVIEVE DE BRABANT. Characters by Mlle. Desclauzas, Mlle. Fonsanel, Mlle. Rose-Bell, Messrs. Gabel, Carrier, Beckers, Bourgoin and others.

NEW-YORK THEATRE.
Broadway, near 8th-st.
UNDER THE GASLIGHT. Characters by Mrs. F. B. Conway, Miss Viola Crocker, Miss Rose Shewell, Messrs. F. B. Conway, J. K. Mortimer, Dunn and others.

BROADWAY THEATRE.
Broadway, near Broome-st.
THE FAIRY CIRCLE and AN HOUR IN SEVILLE. Leading characters by Mr. and Mrs. B. Williams.

WOOD'S MUSEUM AND THEATRE.
Broadway, corner of 30th-st.
Afternoon—CLEOPATRA. Evening—IXION, THE MAN AT THE WHEEL, &c. GRAND EXHIBITION OF CURIOSITIES. Open day and evening.

BOWERY THEATRE.
Bowery, near Canal-st.
NED SCARLETT, THE TERROR OF LONDON. By a powerful cast.

BRYANTS' MINSTREL HALL,
14th-st., near 3d-av.
LA SOMNAMBULA, (Burlesque,) VOCALISTS, HUMORISTS, &c.

SAN FRANCISCO MINSTRELS.
No. 585 Broadway.
BARBER BROWN, OR THE PACIFIC SLOPER. Negro Comicalities, &c.

NEW-YORK CIRCUS.
14th-st., opposite Academy of Music.
EQUESTRIAN AND GYMNASTIC PERFORMANCES.

EUROPEAN CIRCUS.
34th-st., corner Broadway.
ACROBATIC AND EQUESTRIAN PERFORMANCES.

BROOKLYN ATHENÆUM,
Atlantic-st., corner Clinton.
MAGIC AND VENTRILOQUISM. By Prof. Blitz.

PUTNAM'S ART GALLERY,
No. 661 Broadway.
EXHIBITION OF BIERSTADT'S PAINTING, "VESUVIUS."

MINER & BARKER ART GALLERY.
No. 845 Broadway.
EXHIBITION OF MODERN OIL-PAINTINGS.

COOPER INSTITUTE.
8 h-st., between 3d and 4th avs.
GEN. TOM THUMB AND SUITE.

NO. 389 BROADWAY.
NOONDAY LECTURES ON PHRENOLOGY, &c.



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We cannot return rejected communications, nor preserve manuscripts, unless specially requested so to do.

**To Advertisers.**

Advertisers in the TIMES are requested to bring in their notices at as early an hour in the day as possible. If received after 8½ o'clock, it will be impossible to classify them under their proper heads.


## NEWS OF THE DAY.

### EUROPE.

The official Red Book of Hungary has just appeared. In the preface the maintenance of peace with Prussia and the German States is urged, and also a speedy settlement of the Schleswig dispute.

ROSSINI'S funeral, in Paris, on Saturday, was not a public display. He was buried in the cemetery of Pere la Chaise.

### GENERAL.

News from Mexico, received *via* Brownsville and New-Orleans, reports that ESCOBEDO and the forces intended to commence the Tamaulipas campaign had been surprised, by the whole force of VARZOS, at Hacienda de Alamillas, and defeated and routed. His soldiers deserted him, and for lack of men he himself was compelled to send in his resignation and to declare himself incapable of putting down the Tamaulipas revolution. It was believed on the frontier that Tampico and many towns of the State had pronounced.

The murder of Mrs. MARY E. HILL, at Philadelphia, on Sunday night, by GEORGE S. TWITCHELL, Jr., her son-in-law, causes much excitement there. Yesterday Mrs. TWITCHELL, the daughter of the murdered woman, was arrested on suspicion of having been an accomplice of her husband. A quarrel about property seems to have been the cause of the act. Mrs. HILL was wealthy by her husband. Negotiations had been going on for the purchase by Mrs. HILL, of the house in which the parties were living at the time of the murder—on the corner of Tenth and Pine streets. It is said that the business had been intrusted to Mr. TWITCHELL, and that he had had the deed made out in the name of his wife, instead of his mother-in-law. This act had caused difficulty, and Mrs. HILL had been advised to begin a prosecution against Mr. TWITCHELL for appropriation of funds. The murder was committed, it is thought, by Mr. TWITCHELL for the purpose of gaining full possession of the property. Mrs. HILL is reputed to have had only a life interest in the property left by her husband.

Information is received at Washington of the arrest and imprisonment of a party of Americans and Englishmen in Turkey, who have been engaged in the work of surveying a new railroad route. They are charged with having smuggled arms into the interior for the purpose of overthrowing the Government of the Sultan and placing the Pacha in power. The prisoners claim that the arms were for the defence of their employes. The American Consul-General for Syria and Palestine had demanded the release of the Americans and their delivery to him for trial, according to the provisions of the existing treaty, but, at latest advices, his request had not been acceded to.

JOHN SULLIVAN, a shoemaker by trade, was run over and instantly killed, yesterday morning, by a locomotive in the Central depot at Rochester, N. Y. He resided in that city, and was unmarried.

A squad of eleven negroes were brought into Brownsville, Tenn., from the interior of the State, a few days ago, charged with having formed a conspiracy to rob and murder Gen. WHITE, near the neighborhood in which they lived.

The excitement in St. John, N. B., over monetary affairs is abating. On account of the receipt of a telegram from the President of the St. Stephens' Bank, stating that the bank will probably soon resume business, the value of its paper has increased from ten to fifteen per cent. The notes of the Commercial bank were selling yesterday as on Saturday at thirty per cent. discount. It is reported that business in the city is almost suspended.

The extensive brewery of Messrs. HUGHES & BROTHER, in Pittston, Penn., was entirely destroyed by fire on Saturday afternoon, causing a loss of $75,000. The property was insured for about $30,000 in the following offices: Ætna, $7,150; Wyoming, $2,000; Putnam, $2,000; Royal Insurance Co., $4,000; Republic, $2,000; Springfield, $——; Fire and Marine, $2,000; Fulton, $2,000; Baltic, $2,000; Home, (New-Hampshire,) $3,000; City Fire, Hartford, $3,000; Philadelphia Fire and Life Insurance Co., $2,000; Home, (New-York,) $4,000; Merchants', $2'000. The fire probably caught from the spark of a locomotive passing on the Lehigh Valley Railroad, by the side of which the building stood.

The question of woman suffrage in the District of Columbia is again being agitated. The friends of the movement are again preparing to canvass Washington for signatures to petitions to Congress, and frequent and free discussions are being revived.

At a recent meeting of the citizens of Minneapolis and St. Anthony, Minn., the Lake Superior, St. Anthony Falls and Minnesota River Air Line Railroad Company was organized, with a capital of $1,500,000. The proposed air line will run from a point near White Bear Lake to Shakopee, with a branch to St. Peter. A board of fifteen directors was elected, embracing some of the leading men of Minneapolis, St. Anthony, St. Peter, &c.

It is reported that Dr. YOUNG, one of the Norway, Me., Savings Bank robbers, now serving out a term of nine years at the Maine State Prison at Thomaston, desires to enter into a compromise with the bank and State officers. Report says he offers, if pardoned, to restore the money and help secure the accomplices in the business.

Two men and a young woman were suffocated in the recent fire in Lowell, Mass., and not three men as reported by the telegraph. The young woman was named SYBIL SHACKFORD. She came from Ellsworth, Me., and was an operative in one of the mills. She lodged in the attic of the building burned with a companion who managed to escape before entirely overpowered by the smoke and fire, by getting out onto the roof. It is thought that the stranger, said to be a jeweler from New-York, was one CUTTS ELLIS, of Boston.

The Massachusetts State Board of Agriculture will hold a three days' session at the Agricultural College in Amherst, beginning Dec. 9. Prof. AGASSIZ, President ROGERS, of the Institute of Technology at Boston; President GAMGEE, of the Royal Veterinary College; H. S. RANDALL, of New-York; M. P. WILDER, Dr. GEORGE B. LORING and ALEXANDER HYDE are expected to take an active part in the proceedings.

Public sentiment in Maine is very strong against the execution of CLINTON HARRIS, the murderer, which has been appointed for the 4th of December. It is thought probable that capital punishment will be abolished at the earliest session of the Legislature of the State.

The citizens of Keene, Jessamine County, Ky., recently arrested a man whom they suspected was a member of the Kuklux band, who murdered and robbed a negro some time ago, in that place. They placed a rope around his neck, and forced him to confess, disclose the names of his companions, and give the reason of the act. He explained that they were all "on a lark" and murdered and robbed the negro "for fun."

An interesting suit was begun in the United States District Court of Boston, on Saturday, by Messrs. BIRD, PERKINS & JOB against the schooner *Lady Mulgrave*. The schooner recently arrived at Boston with a cargo, the largest consignees being the above firm, who requested the agent of the vessel to land the cargo at a wharf which they selected. Instead of doing so, the agent caused it to be landed at another wharf, to accommodate one of the smaller consignees, and Messrs. BIRD, PERKINS & JOB were thus caused considerable expense for carriage; therefore they sue to recover damages.

A Texas paper announces the arrival at Galveston of a consignment of coolies, shipped from China under ordinary bills of lading. "Two-thirds of these persons are females, one of whom is said to be very beautiful;" and the journal from which we quote adds that the consignees purpose selling them at auction, to pay freight and charges.

The stable and the L part of the house of of Capt. JAMES G. PENDLETON, in Searsport, Me., were destroyed by fire yesterday morning. The main part of the house was saved in a damaged condition. Insured for $6,000 in Hartford companies.

The Cuban town of Batabano has been almost wholly destroyed by fire.

A telegram from Lowell, Mass., received in Boston yesterday, states that Gen. B. F. BUTLER is lying very ill at his residence in that city, and fears are entertained by his friends and family that he may not recover. At last accounts he was very low, and is said to have entirely lost his speech.

The body of a murdered man was found on Friday afternoon by two colored women on the side of a road near Gordonsville, Va., not far from the depot of the Chesapeake and Ohio Railroad. It was partly concealed by bushes and dirt which had been thrown over it. The body was nearly naked, having nothing on but a pair of drawers and an old army blanket thrown lightly around the hips. The skull was crushed in just behind the right ear; the wrists were tied very tightly together, and the same cord was passed down and tied around the ankles so tightly that the flesh was cut to the bone. On the left arm the name of WILLIAM E. BURTON was picked in India ink. A jury summoned on Saturday ascertained that the deceased lived near Milboro', Va., and had been a brakesman on one of the Chesapeake and Ohio freight trains running from Richmond to Staunton. He had a family in Milboro'. Why the murder was committed is not known as yet.

The Erie case was before Judge SUTHERLAND yesterday, from 10 A. M. until 9 P. M. Arguments of counsel were heard at great length. The result was the vacation of the order of Judge BARNARD, appointing JAY GOULD as a receiver, and the appointment of Judge H. E. DAVIES to that responsible duty.

The Grand Jury of the Circuit Court for the Southern District of New-York have found a bill of indictment of nine counts against WM. FULLERTON, JACOB DEPUY, ALFRED A. BELKNAP, DANIEL C. BIRDSALL and EDWARD J. WINDUST, for conspiracy against Revenue Collector THOMAS E. SMITH, and of receiving from him $10,000 under a threat of informing upon him as to the offences with which he was charged before United States Commissioner OSBORN.

A well attended meeting of the Workingwoman's Association took place last evening at No. 68 Broadway, Miss SUSAN B. ANTHONY in the chair. Committees were appointed to report upon the work and wages of women in different pursuits, a short lecture was given by Miss VIRGINIA PENNY, and addresses were made by Miss ANTHONY, Mrs. ELEANOR KIRK, Mrs. CHARLOTTE LOGIER and Miss AUGUSTA LEWIS. The meeting adjourned until Monday, 7th December.

A Wall-street broker, named MARSH, late of TEMPLE & MARSH, yesterday absconded with $16,500 in United States bonds, which he obtained on the credit of the firm name. The firm, it appears, was dissolved some time since, but the fact not being generally known, he succeeded in making the purchase of the bonds, paying for them with a check, which, on presentation at the bank, proved to be worthless.

The Republican City Convention last evening nominated Col. FREDERICK A. CONKLING for Mayor of this City, and Mr. CHARLES P. SHAW for Counsel to the Corporation.

Last night the Tammany City Convention nominated A. OAKEY HALL for Mayor, and RICHARD O'GORMAN for Corporation Counsel. There was no opposition. Subsequently the members of the Convention proceeded to the Manhattan Club and serenaded the Governor elect.

Yesterday six cases were disposed of by Judge RUSSEL in the Court of General Sessions. Two prisoners were sentenced to State Prison for five years, upon conviction for picking a pocket. Three other convicts were remanded for sentence.

We are indebted to Mr. FREDERICK ELY, purser of the steamer *Hermann Livingston*, for late Savannah papers.

Cotton was in active demand yesterday at a further rise in prices. Breadstuffs were fairly active; Flour and Wheat rather easier; Corn, Rye and Oats closed buoyantly. Provisions quiet and heavy as a rule. Groceries in more request. More extensive freight engagements were reported at about steady rates.

Prices for beef cattle have improved a trifle since the market days of last week. The cool and pleasant weather always favors sellers of beef cattle. The best bullocks were sold yesterday at 16½c.@ 17c. ℔ lb., net weight. Most of the sales were made at about 14½c. to 16c. ℔ lb. for the four quarters of meat, the seller making no account of rough tallow and hide, which, in the New-York markets, purchasers always receive without pay. Transactions in sheep continue moderately fair, with heavy receipts. The general selling prices range from 4c. to 5c. ℔ lb., live weight. Thousands of sheep are sold at so much ℔ head—say $2 to $3 each, which would be less than 4c. ℔ lb. Portions of droves when selected sell for 5½c. to 6½c. ℔ lb. Receipts of swine are heavy, with prices on the decline. Most of the sales of live hogs are made at about 8½c. to 8¾c. ℔ lb., live weight. A few lots were sold at 9c. ℔ lb. Trade is moderate. Dressed hogs sell for 10¼c.@ 10¾c. to 11c. ℔ lb.

### Interesting in the Courts.

Yesterday was a day of excitement and interest in the courts of law.

In the Erie Railroad case, after long argument, Judge SUTHERLAND decided to appoint Judge HENRY E. DAVIES Receiver of the Company, requiring him to give security in the sum of *one million* of dollars, and as fast as money might come into his hands in sums of $250,000, to pay it over into some solvent trust company for safe keeping. This vacates Judge BARNARD's order appointing JAY GOULD Receiver, and gives an entirely new aspect to the whole proceeding. The language, as well as the action, of Judge SUTHERLAND shows clearly that he does not intend that the Judiciary shall be degraded and disgraced any further in connection with this matter.

In regard to the whisky frauds, which have excited a good deal of attention of late, the Grand Jury have found indictments against Ex-Judge FULLERTON and Messrs. BELKNAP, BIRDSALL, JACOB DEPUY and a Mr. WINDUST for alleged violations of law in the matter of demanding and receiving money of Ex-Collector SMITH, on false pretences and under pretended authority of the Government. Two of the parties indicted have succeeded in eluding arrest; the others have given bail.

Instructions were also received from the Attorney-General of the United States, directing District-Attorney COURTNEY to proceed with the trials pending in his Court of the *Kentucky Bourbon Company* and others, on charge of defrauding the revenue. The trial was at once commenced, as will be seen by our law reports.

The machinery of the Government, it will be seen, is again in motion.

### Specie Payments—The Talk About Resumption.

The country is periodically subjected to much wise remark on the feasibility of an immediate return to specie payments. One of these visitations invariably occurs on the eve of a session of Congress. We have official recommendations and recommendations that are not official. Divested of surplusage, however, it is generally found that they amount merely to an assertion of the desirableness of resumption, which nobody denies, and that they contribute little or nothing to its realization.

To be of any value, these suggestions should show practically how resumption may be reached. The evils of an inconvertible currency we all know. The desire to get back to a hard cash basis all feel. The question to be decided is, by what measures the object may be most quickly, and with the smallest amount of inconvenience, attained. Of talk on the subject there has always been plenty; but it has led to comparatively little. As a matter of fact, we are no nearer specie payments than we were two years ago. The steps taken in the meantime have failed to produce the required result. The contraction policy was sound in principle, and, judiciously administered, would have helped the country forward considerably. It was unwisely managed, however, and broke down in consequence; not only failing to fulfill its intended purpose, but occasioning a degree of embarrassment and exciting an opposition which necessitated its abandonment. It is not probable that the experiment, in the same form, will be again attempted.

The sapient financiers who propose to legislate back resumption by enacting the date at which gold and greenbacks shall be of equal value, forget the essential condition of the change. If an enacting clause were all that is requisite, the 4th of next March might be fixed with a good deal of propriety; GRANT and gold would then come in together. But of what avail is it to make such a declaration unless the Treasury and the banks and the country are prepared to maintain specie payments when resumed? The Government may promise to pay in gold on the 4th of March or on the 4th of July, as Mr. SUMNER suggests, but nothing is more certain than the inability of the Government to continue cash payments for a single week thereafter. Suspension would be resorted to again under circumstances more disastrous than those which require its continuance now.

Resumption, then, is not a thing to be legislated into existence on a given day. It must be the result of restored confidence, and this again will be the product of prudent measures, judiciously administered, looking to the accumulation of specie in the Treasury and the banks, or its application in a manner that shall reduce the volume of currency and so appreciate its exchangeable value. All that can be properly done is to prepare gradually for the restoration of a state of things which shall render permanent resumption possible. When public confidence reaches the point at which resumption will be safe, resumption will take place; and any scheme for precipitating the event in advance will come to naught.

The impracticability of resumption as an act of the will only makes more incumbent the duty of Congress to adopt measures which shall serve as sure preliminaries to the one great end. What these measures may most advantageously be, is the problem which, we presume, will receive early and elaborate attention. The first point to be gained is the removal of the objection—hitherto potent—to the accumulation of gold in the Treasury. Past legislation has apparently proceeded on the hypothesis that a large amount of gold in reserve is an evil, to be checked by orders to sell when a given figure is reached; the truth being that while sales of Treasury gold to keep down the price of that commodity do not bring us a whit nearer specie payments, its accumulation in the Government vaults would assuredly lead in that direction. The sales of gold, however managed, retard instead of accelerating the purpose in view, because they weaken the Government at the very spot where the utmost possible strength is needed. When it is seen that the Treasury, gold bears some reasonable relation to the amount of greenbacks in circulation, we shall be far on the road to resumption; and any policy tending to weaken the Treasury, in this respect, inevitably renders resumption more remote. Thus, the good effected by sales of gold as a check upon speculation is more than counterbalanced by the mischief arising from prolonged suspension.

Nor would the employment of Treasury gold in the purchase of bonds improve the prospect. The obstacles to resumption are connected with the currency and the interests of trade—not with the amount of the bonded debt; and if gold is to be paid out at all, its best use would seem to be the purchase of currency at its depreciated price, as suggested long ago by the Cincinnati *Gazette*. By this method we should have a certain contraction, modified by the gold thrown upon the market, and in time resumption would be effected. We believe, however, that the preferable plan—because one that occasions less derangement to commerce—would be the retention in the Treasury of all the gold it acquires, after meeting the regular obligations of the Government.

It is, moreover, expedient to impose upon the National Banks some plan contributing to resumption on their part. Perhaps the best proposition that has been presented on this phase of the question is one requiring the banks to hold the gold received in payment of interest on the bonds which form the basis of their business. Its operation would of course materially reduce the resources available for dividends, but it would contribute very decidedly to the strength of the banks, and public confidence as its result.

### The Bench and the Press—Judge Barnard's Charge.

Judge BARNARD delivered an important charge to the Grand Jury yesterday, which will be found among our law reports this morning. He directs them to inquire into three subjects of general interest: 1, election frauds; 2, judicial corruption, and 3, the "action of certain newspapers in perpetrating daily and hourly libels." As there is no *hourly* newspaper published in the City, so far as we are aware, we might have been in doubt as to the precise meaning of this last clause, had not the Judge been good enough to be more specific. He counsels the Grand Jury, in effect, to indict the TIMES for "charges of the most atrocious character" against himself, contained in its article of yesterday morning, entitled "The Erie Infamy."

The Judge urges an indictment because he has "reached a period of life when such charges impair his usefulness," and he wants to see whether "this thing cannot be stopped in the future." His desire to have "this thing" stopped is natural and laudable, and it ought to be indulged and gratified before he reaches a "period of life" when no charges, however "atrocious," could possibly impair his usefulness, or disturb his peace. The peculiar composition of the Grand Jury encourages the hope that the Judge may be gratified in trying the experiment and seeing whether "this thing" can be stopped or not.

So far as we are concerned we trust he may. We shall very cheerfully respond to any demand that may be made upon us in the premises. If we have made charges against Judge BARNARD which either impair his usefulness or damage his character, and which prove to have been untrue, then we deserve the punishment provided by law, and shall willingly submit thereto. What we have said and done in the matter has been said and done deliberately, in what we believe to be the interest of the public and the cause of justice, and we accept to the fullest extent our responsibility therefor. We believe we have said nothing that is not true,—and nothing that cannot be proved to be true. At all events we shall very willingly accept the responsibility of establishing its truth, and of vindicating ourselves from the Judge's imputations for having said it.

We have not a word to say, therefore, against the Grand Jury taking precisely such action as the Judge deems necessary to repair his damaged usefulness and infuse a salutary terror into the newspaper Press. Whether Judge BARNARD will insist on having the case tried before himself alone, we do not know; but we venture to hope, but with many misgivings, that he will not issue an *injunction* forbidding any other Judge to have anything to do with it.

### The Chinese Embassy.

Lord STANLEY has been making amends to Mr. BURLINGAME for the coolness with which he was at first received by the English. Any mortification that the Chinese Minister may have naturally felt at being treated so inhospitably, can now find compensation in Lord STANLEY's admissions. There is no attempt to avoid the ungracious fact of the early unfriendliness, nor, except by way of atonement, to excuse its churlish motive and effect. The English felt bad about matters and things in China; they did not like the idea of seeing their power and influence over that Government restrained and put aside, and feeling unamiable about it, they did not hesitate so to manifest themselves. It is very pleasant to find a diplomat so frank in owning up to a mistake. All animosity must be disarmed when a Cabinet Minister confesses that he has been behaving badly, and promises to do better. Doubtless it was the best thing to do, but it is not every one that could have done it so naïvely. Very likely the British have discovered that Mr. BURLINGAME's powers were not to be exercised with unfavorable discrimination toward themselves, or that if they were, that they are so complete and exclusive as to make it vain to deny or ignore them. Lord STANLEY's second thought may merely conceal a more accommodating policy, and his happy frankness over the luncheon at Windsor may vail the most formidable devices by which he proposes to win over, and, as Mr. Weller would say, "circumvent," the Chinese Minister.

This much must be said of Lord STANLEY: that in his diplomatic intercourse he seems to be simple and direct. He does not display all the arts and accomplishments of diplomacy in a court dress, but gives it a sort of slippered and incidental character. He seems to think that intercourse between the representatives of nations, may be as untrammeled by forms and reserves as intercourse between other persons. When he is in the wrong, and has any concessions or admissions to make, he does so with a clean and concise method that cannot be quarreled with. His speech on the *Alabama* claims, made it almost a pertinacity to insist on any mere form of settling a liability he virtually admitted. In all his speeches referring to this country, he has manifested good feeling and sense. And now he has been telling Mr. BURLINGAME that he must not mind what has happened; that the British people have been sulking a bit, but mean hereafter to be pleasant and happy. All this is wrong, according to the old rules of diplomacy. TALLYRAND would never have made such informal admissions at lunch. High officials have never been accustomed to admit an error so plumply. They cover up a substantial concession with a flourish of fine phrases. They give up a point with a fine air that denotes graceful forbearance rather than defeated conviction or argument. Is all this to be changed, and are Cabinet Ministers to talk like other folks, to say what they mean without reserve or concealment, and to admit their errors frankly and without apparent compunction, as Lord STANLEY has done?

### The Charter Election.

The Tammany Hall organization of the Democratic Party nominated last evening A. OAKEY HALL for Mayor, and RICHARD O'GORMAN for Corporation Counsel. The candidates of the Democratic City Union wing have withdrawn, and it is probable that all branches and factions of the party will unite in support of the Tammany ticket. The Republicans also made *their* nominations,—presenting F. A. CONKLING as their candidate for Mayor, and C. P. SHAW for Corporation Counsel. Under the circumstances these are as good nominations as could possibly have been made. At this present time of writing, the chances seem to be decidedly in favor of the election of HALL and O'GORMAN. It is doubtful, indeed, whether it can be fairly said that anybody is running against them.

### The New Indian Campaign—Scene of Operations.

The Winter campaign against the Indians, so long and carefully prepared, is now successfully launched. Gen. SHERIDAN commands in person, and his forces are probably over three thousand strong—nearly all mounted and well equipped with breech-loading arms. Starting in several columns from various points, such as Fort Wallace, Fort Dodge and Fort Lyon, under CUSTER, CARR, CARPENTER, and others, they will converge in the region of the Canadian River.

The campaigning-ground of these new operations is not generally understood, nor is the precise purpose of the present expedition. The great region stretching from the headwaters of the Missouri down to Texas and New-Mexico, and which of old was styled the "Indian Territory," is still indefinitely called "The Plains." However, it will not be difficult to set forth and describe the *terrain* of the present war.

The two tribes with whom we have heretofore had our chief difficulties are the Sioux and the Cheyennes, the four tribes against whom, principally, SHERIDAN is now operating, are the Cheyennes, Arrapahoes, Kiowas and Comanches. The Sioux have always been among the most murderous and malignant of our enemies, as they are the strongest. However, they gained their object, last Spring, when our forces abandoned the famous Powder River route, breaking up the posts at Forts Reno, Phil. Kearney and C. F. Smith. The war with the Sioux was ended, and a late Omaha dispatch asserts that Red Cloud, the great Sioux Chief, (who, with Big Bear, was lately at Laramie,) has, with other chieftains of his tribe, signed a treaty of peace. It is important to note that this element is for the first time in many years eliminated from the Indian problem. It was the Sioux of Minnesota who committed the horrible raid on the frontier settlements of that State and of Iowa and Dakota, during the rebellion, and who, thence expelled, passed over and joined their kinsmen, the Sioux of Upper Dakota, and have ever since been engaged in such bloody performances as FETTERMAN's massacre.

Thus it happened—namely, by our concessions—that the Upper Missouri, which for years had been the chief seat of Indian hostilities, became tranquil, and that we and the Sioux are now at peace. Some lodges of the Sioux, some Arickarees, (who are so small a tribe as to be of no importance,) and perhaps a few other Indians, may be joined in hostility with the four chief tribes already named.

The abandonment of the Powder River route naturally concentrated our troops southerly on the Smoky Hill route; and the *news* of its abandonment seems to have stimulated the tribes now hostile to try the same mode of getting *their* end—namely, an abandonment by our forces of the Smoky Hill route—by the same means, that is, robbery and murder.

The Nebraska, or Platte River, runs easterly through Nebraska from Fort Laramie, along the line of the Pacific Railroad, to where, south of Omaha City, it empties into the Missouri. This was the scene of the main Indian hostilities of former years—this and the region north, along the upper Missouri; and the word used to be, "The War on the Platte." South of the Platte, and nearly parallel to it, is the Kansas River, another tributary of the Missouri; and just south of that, but with its headwaters close to those of the Kansas, is the Arkansas, which soon bends and runs south easterly into the Mississippi. The State of Kansas, and particularly the neighboring affluents of these two rivers, namely, the Big Blue, Republican, Solomon's, Saline and Smoky Hill Forks of the Kansas, and Walnut Creek, Pawnee Fork and the Cimarron River, branches of the Arkansas, formed the theatre of last Summer's atrocities. All of these streams lie close together, running in the order named, southeasterly to the two principal rivers. The mere mention of them will recall the events of the Summer and Autumn—the plundering of ranches, pillaging of trains, murder of settlers, stampeding of cattle, and all the wonted array of savage warfare. But we find that SHERIDAN is no longer campaigning here. Col. CARPENTER's detachment of three companies and some 12-pounders is, indeed, scouting near the Pawnee Fork and Walnut Creek—but this is the northernmost or rear column. The rest of the force is already gone far southerly, crossing the Cimarron, and bound for the Canadian River—a large stream which runs easterly through Indian Territory proper, parallel to the Red River, just north of it, and not far from Northern Texas.

The explanation of this removal of the war from the Platte region far down to the Canadian, and probably even into New-Mexico and Texas, is to be found in a sentence of SHERMAN's late report. "The many expeditions have," he says, "necessarily been of a desultory and somewhat unsatisfactory character, because the Indians can scatter so long as their ponies can get grass everywhere, but as soon as Winter compels them to collect together in villages, I believe that Gen. SHERIDAN's troops will be able to find them, and to destroy all that offer resistance." In other words, the "objective," so to speak, of the campaign, is their Winter quarters. It is a new experiment, often urged, but never yet fairly tried.

Now, the headwaters of the Canadian are the proper homes of the Comanches and Kiowas, two of the hostile tribes; those of the Cheyennes and Arrapahoes are further north—say near the Republican Fork. But these and others tribes range freely across all the Plains in Summer, while Winter forces them south to shelter from the winds and storms. The operations of SHERIDAN on the streams above mentioned had already hastened the southerly migration of the troops. Let him now strike at their villages, their stores of buffalo-meat, their Winter's provisions of food, forage, and fuel, and his work is accomplished. Driven from their proposed shelter and their supplies, the Indians are ruined. And it is to effect this that SHERIDAN is now, with Winter impending, "on the war-path."

### The Stafford Wooden Pavement.

OFFICE OF THE STAFFORD WOODEN PAVEMENT,
No. 54 PINE-STREET,
NEW-YORK, NOV. 23, 1868.

*To the Editor of the New-York Times:*

Allow me to correct your statement, made in an article in your paper of Saturday, headed: "The Stafford Pavement." You say "not a yard of it has been laid down or used anywhere." On the contrary, this Stafford Pavement has been laid in Boston, subjected to heavy travel, and with perfect satisfaction to the authorities and the public generally, as you will see by the evidence accompanying this note. The statements made at the meeting at Millimen's Hall, (which consisted of a corporal's guard,) of the property-owners on Seventh-avenue, are entirely without foundation. They say the cost is $10 per yard. That wicked contract says $5 per yard. As to the large amounts of stock, or any stock, held by members of the Boards of Aldermen or Common Council, it is not so, and, furthermore, the Stafford Pavement Company has never paid one dollar to any member of the City Government for the passage of the ordinance. We are now laying our pavement in Wall-street, opposite the Custom-house, and the public will have an opportunity to judge for themselves whether we do not furnish a firm, noiseless and lasting pavement. Yours, C. H. WELLS,
General Manager Stafford Pavement Company.

We publish the above with great pleasure. We regard with favor, and shall be happy to aid, every attempt that may be made to substitute something better for the wretched pavements with which the great mass of our property-owners seem to be thus far content. The City of New-York is, in this matter as in almost every other, greatly behind the other large cities of the world; and we hope public opinion and improved methods of construction will, ere long, bring about a greatly needed reform in this matter.

The high price charged by the owners of the patented wooden pavements, (both the Nicolson and the Stafford,) is unquestionably an obstacle to their speedy introduction; but this, with others, will, we trust, in due time be removed. That the Stafford Company have never paid a dollar "*to any member of the Common Council* for the passage of the ordinance" is very probable; but that the Company has never paid money to *anybody* for the purpose of securing the passage of such an ordinance, we do not believe its General Manager, or any one who knows of its affairs, will assert. Our readers may remember that the President of a Gas Company once stated on oath that he paid $20,000 to secure the passage of an ordinance allowing the Company to lay its pipes in the streets. He did not pay it to any member of the Common Council; he paid it, at the suggestion of the head of the Street Department, to a *clerk in his employ*; but it secured the passage of the ordinance all the same. Mr. WELLS must not suppose that he can impose either upon us or the public, by so shallow an evasion as that embodied in his statement on this subject. No ordinance can, in our judgment, be got through the Common Council authorizing the Stafford Company, or any other company, to lay down new patented pavement in any street, *without being paid for*. But we hope a great deal of new and improved pavement will be authorized and laid down, nevertheless.

## MINOR TOPICS.

The Philadelphia *North American*, in mentioning the fact that the State of Pennsylvania polled 655,662 votes at the late Presidential election, while it polled 476,642 at the election of 1860, when the population was less than *three millions*, argues that the State must now have a population of about *four millions*, which shows a much greater increase than the State has ever been credited with. Now, how must it be with the State of New-York? At the late Presidential election this State polled within a few votes of 850,000, while at the Presidential election of 1860, with a population of 3,832,000, we polled 675,000 votes. At the present time, therefore, the population of the Empire State must be over *five millions*.

The Richmond *Enquirer* is sure that Secretary SEWARD will not go out of the Cabinet when Gen. GRANT becomes President. From whom did the *Enquirer* get its information—GRANT or SEWARD?

The *Cretan*, a little paper published in Boston in the interest of the revolutionists of Crete, is anxious to have this country go to war with Turkey, "to vindicate the national honor and the national flag, thrice insulted and violated" by the Turks. The proposition is very fine. But another party desires us to send over our fleet to support the Spanish Republicans, and fight all Europe in their behalf. This proposition also is very fine. But another party desires us to assist the struggling patriots of Cuba, and send them men, money, ships and guns to achieve their independence. This, too, is very fine. But another party desires us to assist the Republicans of Ireland, and give a lesson to the English tyrant. This, of course, is very fine. There is no doubt that we could whip all creation and the rest of mankind. But, after whipping them,—what?

A cable dispatch the other day reported that the Papal Government had come to a favorable understanding with the Emperor NAPOLEON in regard to Italy. The precise meaning of this did not appear, and we are not yet able to understand it fully. But a letter from Rome, under date of the 1st inst., contained the statement that the French Government was urging the Pope to cede to Italy the Provinces of Frosinone and Velletri, as the price of a guarantee of his remaining territories; and the assurance was given that the proposition was under consideration at the Vatican. It seems hardly credible that the Pope would cede to Italy any part of the small territory now left him; but his necessities are very great, and his situation may at any moment become desperate by the withdrawal of the French contingent. If he could come to terms with Italy, and at the same time satisfy France, by the cession of the Provinces of Frosinone and Velletri, he would at least secure peace for himself until the outbreak of war.

The Jesuits, who have been driven from almost every country of Europe, Catholic as well as Protestant, are coming to this country in large numbers. The *Liberta Catholica* says that 3,429 Jesuits are now employed in missionary work, and it seems that of these there are no less than 759 in the United States—including fathers, scholastics and brother coadjutors. Under the laws of this country, they are here free and safe in the pursuit of their work.

It is reported that Southern physicians of strong rebel sentiments in the Southern States, refuse to attend Republican patients who voted for GRANT. This is the most hopeful symptom yet reported. If these rebel doctors will stick to this resolution, and attend none but rebel patients, the Republicans will live till the next election. These rebel physicians act as if they were regularly enlisted in the *Union* army.

We published on Sunday a letter from a coal dealer to the Baltimore *Gazette*, in which he charged the responsibility of the high price of coal upon the consumers, who, when coal was last July selling at $6 50 and $7 per ton, refused to lay in their Winter stock, waiting for a further decline in the Fall; and when in September, on account of the Summer strikes and difficulties at the mines, coal took, contrary to their anticipations, a very slight but decided upward tendency, they all rushed frantically into the market as buyers at the same time, causing an unusual demand, and, of course, still further raising the price, which was also enhanced by the raising of railroad freighting rates about the same date. This sounds reasonable, certainly, and whether or not it accounts for *all* of the difference between $6 50 and $10 50, there is enough truth in it to teach consumers a lesson. Let those who can lay in their Winter coal during the Summer, when labor, freight and coal are cheap.

A newspaper expresses the most unbounded surprise and the highest hopes of the Cornell University, because "Mr. CORNELL himself was actually seen, a few days back, *with a

travel by rail or steamboat, to meet at points agreed upon and duly announced in the papers three times a week, and, we doubt not, very good sport might be had, as foxes are abundant all over the Island.

## GEORGIA.

### Public Sentiment at the South—Negro Candidates for Municipal Offices—A Negro Ordinary Counts Seven—Condition of the Negroes—The Tone of the Leading Press.

From Our Own Correspondent.

UNION POINT, Ga., Monday, Nov. 16, 1868.

The same good sense and submission to the inevitable which made WADE HAMPTON and other prominent men in South Carolina call on Gov. SCOTT and "give in their adhesion" to his Government, pervade all classes at the South since the election, except a very few incorrigibles, who are always talking about their dignity and manhood on the *lucus a non lucendo* principle. Those who really compose Southern society and may be said to represent truthfully Southern opinion, evince not only no disposition to quarrel or make trouble, but a desire to accept the result of the election with cheerfulness not unmixed with hope. Perfect confidence is felt in Gen. GRANT's fairness, and while very few are stupid enough to believe that he is a Democrat, who will declare his intentions to carry out the New-York platform when he is inaugurated, there is a very general belief that he will not administer the Government on the extreme principles of the out-and-out Radicals, but will pursue a moderate, just and impartial course, leaving the States which are in the Union perfectly free to govern themselves, provided they obey the Constitution and laws of the United States.

The local Radicals express the hope, and are doing everything which their ingenuity can prompt to realize the hope, that GRANT will undo everything which has been done in Georgia since last April, which does not suit Radical views, *because Georgia has given a large majority for Seymour*. There is hardly a speech made or a newspaper article written in the Radical interest (thank God, the speech-making is nearly over) which does not advocate the undoing of reconstruction, and the doing the work all over again, so as to make Radical success certain; and whenever this course is recommended, the hope is expressed that GRANT will favor it, "because Georgia voted against him!" There are not many who think that GRANT will exterminate Georgia on account of her vote, or who think that the State will be "remanded to the government of Gen. MEADE;" but the discussion creates ill-feeling and uneasiness, and checks the restoration of perfect harmony, which all good men so much desire.

The fact is, and it is as well to admit it frankly, the enterprising individuals called "carpet-baggers," who lead the Radical Party in Georgia, are not as scrupulous as they might be, and it would not be too rank injustice to say of them that they are a *leetle* more selfish than patriotic, and that if trouble pays better than peace they would very generally prefer trouble. The negroes had almost abandoned the idea of office and were content with the right to vote—had resolved to make no question about the right to hold office. But now that the municipal elections are about to take place, they are advised by the wire-pullers to put forward candidates and make the race, or in other words, to renew disturbance and perpetuate strife. Whatever opinions may be entertained as to the right of the Legislature to declare negroes ineligible to office, most people will concede that they are not qualified to hold office, and that if they will not demand the privilege, it is not wise to induce them to do so. The experience in Georgia, limited as it is, of negro officeholding, does not encourage a desire to extend it. A friend who recently visited a county in Southern Georgia, (McIntosh, I believe,) where the offices of Ordinary and Sheriff are filled by negroes, gave me a very amusing account of the calibre and conversation of these officials. Remember that the Ordinary is a very responsible judicial officer, whose special charge it is to take care of the estates of widows and orphans, and to attend to all matters relating to wills, administration, &c., and very often to decide very knotty points of law. My informant told me that he never met a more stupid or more entirely illiterate negro than the one who filled that high office in the county to which I refer. He could not speak intelligible English. He spoke the *Gullah* dialect of the coast, which cannot be comprehended by any outsider. His Honor wanted on one occasion to count seven in payment of some debt, which he did as follows: "Here's wan, (anglice, here's one,) and here's tarra, (here's t'other, meaning two,) and here's wan on top o'narra, (here's one on top of another, meaning three,) and here's one wid the futs all tied togarra," (here's one with the feet all tied together, meaning four, to be added to the three already enumerated, and expressed by a figure derived from the sale of chickens, in which it is the habit to tie four chickens by the feet.) It will certainly be admitted that the amount of education and intelligence which this mode of expression indicates is scarcely enough for the incumbent of a most important judicial office, and that it is not rebellion or treason, nor yet unreasonable prejudice, to wish to see such offices filled by persons who can count seven in a less simple and figurative manner.

It is hoped that by a proper persuasion and a kind representation of the facts, the negroes will forego their purpose to run negro candidates for the municipal offices, because were they to do so, it would produce nothing but strife and ill-will.

In the agricultural districts, where there are no offices, and there can consequently be no elections, perfect contentment, order and good feeling exist. The hands are busily engaged gathering the remnant of the crop and making arrangements to plant that of next year, well satisfied with the profits of this year's labor, and hopeful of doing still better in that which is to come.

The tone of the leading newspapers throughout the South, in relation to the election of Gen. GRANT, affords a very reliable index of public opinion. They all frankly declare that they would have much preferred the election of SEYMOUR, but they submit without a murmur to that of GRANT. It is true that there is not much merit in doing what cannot possibly be avoided, but, it is not in this spirit the Southern people accept the situation. They really long for rest from political strife; and they believe that Gen. GRANT has both the will and the power to give them what they desire; that he has no disposition to persecute or oppress them, and that he can have no object to attain by impeding their prosperity or frustrating their pursuit of happiness. They have digested the hard and unpalatable truths which Mr. JOHN QUINCY ADAMS told them, although they did not like them very much at first, and they seem to intend to follow his advice and abandon the pursuit of unattainable objects. They hope that, now that "political capital" is not in demand by either party, there will be less desire to misrepresent them; that their acts and deeds will be less harshly judged, and that they will get credit for the good they do, and for the evil which they leave undone. The Republican Party have achieved so great a triumph, it is hoped that they will be magnanimous, that temperate counsels will prevail, that toleration and kindness will draw a veil over the unhappy past, and that after some time, each section seeing that the other is animated by good intentions and a desire for good neighborhood and friendly intercourse, a perfect union will be restored.

I have faithfully sketched in the foregoing what I honestly believe to be the sentiments of the people of the South. Within the past few days I have seen some of the leading men in this State, who have all expressed the views which I have given as those of the people. I know that they will endeavor to make these views prevail wherever their influence extends, and make justice and moderation the rule of popular action toward all, whatever their political opinions or past conduct may have been.

Time will cure many of the evils which have not unnaturally grown out of the disturbed condition of affairs for the past few years. The incompetent, and, in many cases, disreputable officials, who have been appointed to fill offices of high trust merely on account of their adherence to party, without any reference to their integrity or capacity, will have passed from power. Other and better men will fill their places, and just, temperate and wise laws, enacted in the unobstructed exercise of self-government, and fully recognizing the new state of affairs, especially in relation to the negro, will inevitably secure peace and general prosperity.

I may be mistaken. I hope and believe that I am not. I do not write as a partisan, but as an impartial observer, who has good opportunities of judging and who tells the whole truth.

QUONDAM.

## AMUSEMENTS.

ACADEMY OF MUSIC.

"Don Giovanni," which usually is one of the most attractive of operas, failed last evening to draw the attendance which should have been present at a representation so excellent in every respect. The house was well filled, but it should have been crowded. Not only was the opera given with unusual strength of cast, but Mlle. DURAND made her *début* as *Zerlina*. The part is a difficult one, and so far Mlle. DURAND has not conquered it. The isolated pieces were given with intelligence and charming grace, and with a nicety of voice which assures us that Mlle. DURAND has a career before her. But it is evident that she has much to learn, and particularly the practice of the stage and the stage presence. Her voice is agreeable and pure. In such an opera it has but a poor chance of being displayed, but we have no doubt it will be found good, and will last good.

The general representation was excellent in every particular, and was in every way worthy of a better attendance.

To-night, "Fra Diavolo."

BROADWAY THEATRE.

This theatre held a hugely delighted audience last evening. The principal sources of pleasure were the performances of Mr. and Mrs. BARNEY WILLIAMS in the Irish drama of "The Fairy Circle" and the protean trifle entitled "An Hour in Seville. These pieces are as familiar to a certain class of play-goers as SHAKESPEARE is to another class, and are no doubt as much relished as the best works of the Swan would be. They furnish, at all events, an innocent and wholly amusing entertainment, and for this reason are not to be scorned. They also exhibit Mr. and Mrs. WILLIAMS at their best, and as that best is of the good and most harmless kind, it is worthy of the vast popularity to which these undeniable artists have brought it. No one can sit through the present performance without being on a constant grin; and as this is a laughing age, the entertainment commends itself to the generation. Miss KATE NEWTON still continues ill, and her place in last evening's performance was filled by Mrs. SKERRETT. Mr. and Mrs. WILLIAMS are to produce Mr. BROUGHAM's new drama, "The Emerald Ring," on Monday next.

VARIOUS DRAMATIC NOTES.

"Humpty Dumpty" is forty weeks old and talks Latin already, to wit, (to quote his advertisement:)

"Humptius in muro, sedebat Dumptius alto,
Humptius e muro Dumptius hen occidit."

Which being translated means, "H. D. is still all the go, though many wouldn't credit it."

No changes are announced to take place at the other theatres. "After Dark" at Niblo's, and "Ixion" at Wood's Museum, draw crowded houses.

TOM THUMB and his wife, and the $30,000 NUTT appear at Cooper Institute every afternoon and evening this week.

The European Circus in Thirty-fourth-street remains under canvas for the present week, but after Saturday next, like the wandering Arabs, its people will strike their tents and steal away.

Four afternoon performances are to be given at the New-York Circus this week, to accomodate the holiday seekers. The first takes place to-day.

### The Teapot Business.

*To the Editor of the New-York Times:*

I have had a hopeful opinion of Mrs. SCOTT-SIDDONS as an actress, and have expected to derive a good deal of pleasure from her performance of some of SHAKESPEARE's characters.

But I infer that whatever may be her merits, she, or her agent, has been badly advised as to the proper way of beginning a campaign in America.

I beg to assure her that it is not usual for our first citizens, either in New-York or Boston, to rush forward, the moment an actress of fair ability makes her appearance among them, to present her with a silver tea-service, even if she does come from England, and does happen to bear a renowned name. Such things, when they are reported in the newspapers to have taken place, are generally set down, by intelligent persons, as among the tricks and pretences which never help anybody in the profession, and which deceive very few people out of it.

Besides, they are getting to be very much overdone, and not to put too fine a point upon it, the business is "played out." It is much more apt to prejudice the public against an artist of real merit than to gain *éclat* and reputation for those who have none. If Mrs. S. is wise, let her eschew this sort of HUMBUG.

## FINE ARTS.

### National Academy of Design—Fall Exhibition.

The annual Fall Exhibition of the National Academy of Design was opened last evening in the Academy building, on Twenty-third-street, with a very fine show of pictures, as far as numbers are concerned. The quality was less satisfactory. But had the pictures been the finest in the world, it would have been impossible to give them a critical examination last night, crowded as the halls were with the beauty and fashion of New-York. As usual, the crush was overwhelming, and at times the pack was so dense as to render individual locomotion almost an impossibility. Swaying to and fro with the crowd, one was borne helplessly from one hall to another, fortunate if the tide threw him now and then near enough to one side to catch a glimpse of the pictures on the walls. But every one was in the best of humor, and seemed to enjoy the very discomforts of the evening.

The great feature of the exhibition is the collection of a large number of the works of several artists recently deceased—ELLIOTT, LEUTZE, S. A. MOUNT and W. S. MOUNT. Those of ELLIOTT and LEUTZE extend over three sides of the South Room, and make a fine display. Some of the earlier, as well as some of the latest, of ELLIOTT's portraits are exhibited, and afford good examples of his style at different periods of his career. The most striking picture of LEUTZE's on exhibition is the large historical composition, representing the massacre of Aztecs on their altars, by Spanish soldiery.

The most prominent object in the North Room is a huge composition by Prof. MORSE, painted a great many years ago, and now chiefly useful as a milestone from which to calculate the progress of art in America. Why else such a venerable curiosity should be dragged forth into public view, it would be difficult to guess. It would be equally difficult, we think, for the hanging committee to give a satisfactory reason for admitting Mr. BENSON's picture of a free and easy couple reclining on a sandy beach,—unless the clever manner in which the girl tucks her head under her own arm, without dislocating her neck, secured its admission as a curiosity of art.

The Fall exhibitions are invariably disappointing, either from meagreness in numbers or lack of high excellence in quality; and the invariable excuse, that the artists are not ready to exhibit, suggests that the remedy for this would be the postponement of the opening a few weeks, until the artists were ready. But certainly no want of preparation can excuse the admission of two-thirds of the pictures that make up the present exhibition. The South Room will have an interest for the many friends and admirers of ELLIOTT and LEUTZE, but the other rooms will have few attractions until the opening of the Water Color Exhibition some time next January.

### Personal.

Following are the arrivals at the principal hotels in the City yesterday: Gen. Anson Stager, of Cleveland; Hon. Noah Davis, of Albion, and Hon. J. F. Tracy, of Chicago, are at the Fifth-avenue Hotel. Gen. W. D. Lewis, of Alabama; Judge G. E. Gen-

stock, of Syracuse, and Hon. Wm. H. Seward, Jr., of Syracuse, are at the St. Nicholas Hotel. Gen. Benham, of the U. S. Army, and Hon. A. Pollock, of Washington, are at the Astor House; Hon. J. W. Kimball, of Boston, and Hon. J. M. Lathrop, of Washington, are at the Metropolitan Hotel. Hon. J. W. Wadsworth, of Geneseo, is at the Albemarle Hotel. Major Ogelby, of the U. S. Army, and Dr. Quimby, of California, are at the Coleman House.

## THE MAYORALTY.

### Republican City Convention—Nomination of Col. Frederick A. Conkling for Mayor, and CharlesP. Shaw for Counsel to the Corporation.

The Union Republican City Convention met last evening at the headquarters, corner of Twenty-second-street and Broadway, Mr. SINCLAIR TOUSEY presiding.

Mr. CHARLES S. SPENCER arose and said that the circumstances which induced the presentation of his resolution no longer existed, and he therefore asked unanimous consent to withdraw it, which was granted. Mr. SPENCER then said he begged to nominate, as candidate for Mayor, Col. FREDERICK A. CONKLING. [Great applause.] He would not take up the time of the Convention by any extended remarks. Col. CONKLING had spent the best part of his life in this City, and was favorably known as a scholar, merchant, and earnest Union Republican. He had always deserved the respect and esteem of all good and honorable men. He had served two terms in the Legislature of the State, and during one of these terms was Chairman of the Committee of Ways and Means. During that term he was the champion of economical administration of the Government of the State, and in that capacity saved hundreds of thousands of dollars to the over-burdened tax-payers of this State. He served one term acceptably in Congress. When the rebellion broke out he, as Colonel of the Eighty-fourth Regiment, obeyed the mandates of the Government, and went twice to the field, [rapturous applause,] and he (Mr. SPENCER) had been informed by the Secretary of War in his office in Washington, that Col. CONKLING was the only Colonel of a volunteer regiment that came into his office and abused him because he was not sent to the front. Col. CONKLING's integrity was invulnerable. The breath of scandal never had assailed it. If there were, as was represented on a former occasion, persons outside of the Republican Party who earnestly desired to rescue the City from the dishonor, dishonesty and disgrace imposed by "the ring," they would find in Col. CONKLING a man to whom they could freely accord their suffrage. [Applause.]

Mr. JOSEPH F. ELLERY seconded the nomination, which was made by acclamation.

The Convention then proceeded to nominate a candidate for Corporation Counsel.

Mr. D. S. RIDDLE nominated Hon. HOOPER C. VAN VORST, and made an address advocating his claims.

Mr. JOHN V. GRIDLEY nominated Mr. CHARLES P. SHAW.

An informal ballot was taken, resulting as follows: VAN VORST, 80; SHAW, 64.

Some discussion ensued with regard to the eligibility and moral character of Mr. SHAW, which was sharply assailed by Mr. SPENCER and others.

Mr. ALEXANDER MCLEOD defended Mr. SHAW and attacked Mr. SPENCER, who replied in kind.

A ballot was now taken, Mr. VAN VORST receiving 72 votes, and Mr. SHAW 75. The Chairman declared that 76 votes were necessary to a choice. A second ballot resulted in the nomination of Mr. SHAW, who received 81 votes, while Mr. VAN VORST received 63.

A motion to make the vote unanimous was offered by Mr. SPENCER and carried. Mr. SPENCER said he believed Mr. CONKLING would decline to run on the same ticket with Mr. SHAW, and in order to ascertain whether the candidates accepted, a committee was appointed to wait on them, and a recess of thirty minutes was taken.

At its expiration Col. CONKLING was introduced to the Convention, and received with cheers. He said that when a few days since some of the members of this Convention consulted him with regard to the policy that the party should pursue in the pending canvass, he had said that candidates should be placed in nomination for every office by the Republican Party, and supported without deviation in the contest. He had done so in the expectation that some of the distinguished gentlemen named for the office of Mayor would be nominated. He had done so because he thought it necessary to have candidates for all the offices in the field, so as to preserve the organization and elect school officers, if nothing more. He accepted the nomination with sincere thanks, and looking for support to the good and true men around him, he would enter the canvass, leaving no effort untried to secure his own election. Without saying a word in derogation of the gentleman whom he understood the opposing party had just nominated, he would enter upon the contest, leaving the result to the people, to whose will, under the Constitution of the country, all must submit. [Great applause.]

Mr. CHAS. P. SHAW, the nominee for Counsel to the Corporation, was introduced, and addressed the Convention, accepting the nomination and conveying his thanks for it, after which the Convention adjourned.

### Tammany City Convention—A. Oakey Hall Nominated for Mayor, and Richard O'Gorman for Corporation Counsel—Serenade to the Governor Elect.

A meeting of the Tammany City Convention was held last evening at Tammany Hall. The Convention was called to order by Mr. WM. M. TWEED, and on motion of Mr. CHAS. G. CORNELL, Judge CHAS. P. DALY was elected as presiding officer.

Messrs. WM. HITCHMAN and W. DODGE acted as Secretaries. The roll of delegates having been called, and all having answered to their names, a letter was read from Mr. OSWALD OTTENDORFER declining the nomination for Mayor, which had been tendered him, on account of ill-health and his fear that he would be unable to fulfil the duties of the office.

After an address by the Chairman of the Democratic German Committee, in which the support of the Committee was promised to the nominees of Tammany, and the hope expressed that the result of the Convention's deliberations would be the nomination of Mr. A. OAKEY HALL for Mayor, and Mr. RICHARD O'GORMAN for Corporation Counsel.

Judge CONNOLLY then moved that A. OAKEY HALL be nominated for the office of Mayor by acclamation, which was carried amid much enthusiasm.

Dr. WM. SCHIRMER moved that "the highly gifted and talented RICHARD O'GORMAN" be nominated by acclamation for the office of Corporation Counsel. The motion was adopted.

On motion of THOMAS C. FIELDS, a committee of one from each ward was appointed to notify the candidates of their nomination, and conduct them before the Convention.

A motion was made by Mr. ALEXANDER WARD, that a committee be appointed to make arrangements for a ratification meeting on Friday evening next.

The nominees having made their appearance on the platform, were received with loud and long-continued cheers. Before introducing them, the Chairman said

Judge CONNOLLY attempted to prevent Mr. WARD from making his motion, on the ground that he was not a delegate to the Convention, but the Chairman and Secretaries pronounced Mr. WARD's credentials to be perfectly regular, and his motion was carried. It would be impossible to proceed unless some disinterested Democrat would "strike that dreadful bell" that was tolling so dismally outside the hall. The bell having been silenced, Mr. A. OAKEY HALL came forward and said that he believed it was in the part of the Indian Chief that FORREST exclaimed "You have called me and I come." He had come at their call, but he would not say, with the Indian, "if you don't want me I'll go back," for Democrats never went back. He was not guilty of affectation when he said that he came before them half with reluctance and half with gratification. It was a proud thing to be called on to be the standard-bearer of this great City. Every pulsation of his heart was one of intense gratitude to them. He was simply the trustee of the Democratic Party, and he desired to be nothing more. He did not desire to set up for himself, but to serve his party, his friends, and this great City. He would make but one individual promise, and that was that he would not be taken sick during the canvass, if he could possibly help it. He would trouble them with no physician's certificates, and would not give up the contest until he was fairly beaten. Mr. HALL then spoke in terms of praise of Mr. HOFFMAN's administration, and assured his hearers that the Democracy would yet triumph throughout the Union.

Mr. O'GORMAN next appeared, and thanked the Convention for the honor done him, which he received with heartiest gratitude and honest pride. He assured them that he would, to the best of his ability, defend the chartered rights of the City and maintain its interests.

On the conclusion of Mr. O'GORMAN's speech, the members of the Convention proceeded in a body to the Manhattan Club-house, for the purpose of serenading the Governor elect, Mr. HOFFMAN, who, apparently taken somewhat by surprise, came out on the steps of the Club-house and thanked them for the honor done him. He was glad, he said, to hear the result of the Convention's deliberations. Two better nominees for the respective offices of Mayor and Corporation Counsel could not have been selected. He knew both of them well, and he felt assured that the interests of the City could not have been committed to better hands.

In response to numerous calls, Messrs. HALL and O'GORMAN made short addresses, and the crowd then dispersed.

### Mozart Hall Convention—Nomination of A. Oakey Hall for Mayor, and George Shea for Corporation Counsel.

The City Convention of the Mozart Hall organization, met last evening at Mozart Hall to nominate candidates for Mayor and Corporation Counsel.

WILLIAM P. LEE, Chairman of the General Committee, called the Convention to order; ANDREW JACKSON KIRWAN acted as Chairman; WM. P. LEE, Vice Chairman, and Messrs. MCCARTHY, KELLY and EIMMER, as Secretaries.

The credentials of the various delegations were then presented, and no contestants found.

The various wards were then called in order, for an informal nomination for a candidate for Mayor. All but two wards nominated A. OAKEY HALL, the other two, SMITH ELY.

A. OAKEY HALL was then nominated by acclamation.

After considerable desultory discussion of an unimportant character as to whether, in nominating informally a candidate for Corporation Counsel, the wards should be called, commencing at the Twenty-second Ward, or at the First Ward, it was decided to commence at the Twenty-second Ward, which was done, all the wards except the First nominating GEORGE SHEA.

The nomination of Mr. SHEA was then made unanimous, and a committee of five appointed to wait upon the nominees and inform them of their nomination.

It was then resolved that in case of either of the nominees declining the nomination, or withdrawing from the contest, the Executive Committee should have power to fill the vacancy.

The Convention then adjourned *sine die*.

### The German Democratic Union Organization.

The Ward delegates of the German Democratic Union General Committee held a nomination meeting last evening at 6:30 o'clock, in Schwenger's Germania Hall, Third-avenue, near Eighteenth-street, Major W. SEEBACH in the Chair, Mr. ALBERT GOETTMAN, Secretary. After the meeting had been called to order, the motion was carried to dispense with reading the minutes of the previous meeting. Dr. SCHIRMER then moved that resolutions be adopted, expressing the regret of the German Democracy that considerations of his duty as a journalist, and also of his failing health, prevented Mr. OSWALD OTTENDORFER, the President of the General Committee of the German Democratic Union Party, to accept the nomination as a candidate for the office of Mayor, offered to him by Tammany Hall, and that Hon. A. OAKLEY HALL, should meet with the support of the German Democracy, as also Mr. RICHARD O'GORMAN for renomination to the office of Corporation Counsel. These resolutions were carried unanimously, and then, on motion of Mr. MAGNUS GROSS, it was resolved to communicate them *in corpore* to the Convention in Tammany Hall, Mr. JOHN JACOB FREEDMAN to officiate as speaker. After the organization—Committee having been ordered to appoint a day and place for the ratification meeting, which was afterward fixed on Thursday at Tammany Hall—the meeting adjourned, marching in procession, with music and banners, to Tammany Hall, where the resolutions were read. The General Committee of the German Democratic Union Party then, after the close of the Tammany Convention, serenaded their President, Mr. OSWALD OTTENDORFER.

## LOCAL POLITICS.

### Constitutional Union County Convention.

The Constitutional Union County Convention met last evening at Masonic Hall in Thirteenth-street, with Mr. D. MCMAHON in the chair, Messrs. HANLON and CRUMP acting as Secretaries. On motion, a committee of five was appointed to inspect the credentials of the delegates. While the Committee on Credentials were absent in the ante-room, the Chairman eloquently appealed to the delegates present to nominate only men who would reflect honor on the organization, and especially men who would devote themselves heart and soul to the work of correcting certain abuses now having an existence in the government of this great City. Mr. STUART followed in the same strain, as did also Mr. HUGHES, who openly and above-board charged Tammany Hall with being the only cause of GRANT's election to the Presidency of the United States.

The Committee on Credentials here reported the presence of delegates from all the wards, and the report was accepted. The Convention then went into nomination of Corporation Counsel. A motion was made that the nomination be by wards. An amendment was made that the nomination of RICHARD O'GORMAN be made unanimous. The amendment was, however, withdrawn, in consequence of the name of Mr. JOHN MCKEON having been proposed, and the Convention then proceeded to take an informal ballot, with the following result: Mr. O'GORMAN received 98 votes, and Mr. MCKEON 12.

On motion, the vote of the Convection was then made unanimous in favor of Mr. O'GORMAN. After some discussion relative to the advisability of nominating a candidate for Mayor, a motion to that effect was carried unanimously, and the names of ANDREW H. GREENE, SMITH ELY, Jr., and A. OAKEY HALL were proposed. An informal ballot being taken Mr. GREENE received 87 votes, and the other gentlemen 18 each, making the vote for Mayor 123, while the entire vote cast for Corporation Counsel was 110. This difference, some of the delegates present accounted for by the fact that the delegates from the Seventeenth Ward had not voted for Corporation Counsel. A motion to the effect that Mr. GREENE receive the unanimous vote of this Convention was carried by acclamation. A committee of five was then appointed to wait upon the nominees and inform them of their nominations. The Committee was also instructed to request the presence of Mr. O'GORMAN before the Convention, if it was possible; but the Committee returned in a short time, succeeding in finding neither of the gentlemen. The Convention, after indulging in some very eloquent remarks in favor of their nominees, adjourned, subject to the call of the Chair. In consequence of some misunderstanding the delegation from the Seventeenth Ward withdrew from the meeting.

### Union Republican General Committee.

The Union Republican (Twenty-third-street) General Committee met last evening at the Headquarters, corner of Twenty-third-street and Broadway, Mr. JOHN KEYSER presiding and Mr. A. J. PLUMB acting as Secretary. The following resolution was adopted:

*Resolved*, That this Committee deem it inexpedient to issue a general call for primary meetings, but advise the Republicans of this City to support the Republican nominees for Mayor and Corporation Counsel, and recommend that the Assembly District organizations nominate or indorse Republicans for Assistant Aldermen and school officers in their several districts.

Mr. RUFUS ANDREWS offered a resolution directing the Secretary to call a meeting of the Executive Committee on the first Monday in December, to transact unfinished business, and to take measures for reorganizing the General Committee for 1869. It was adopted, and the Committee adjourned.

### Seventeenth District Union Republican Nominations.

The Union Republican Association of the Seventeenth District held a spirited meeting last night at the wigwam, Forty-sixth-street, President DARRAGH in the chair. A large accession was made to the rolls of membership, and much interest taken in the recent nominations of Mr. CREGIER for Assistant Alderman, and Mr. ALLEN for School Commissioner.

### The Democratic Union Organization.

A prolonged meeting of the Democratic Union General Committee was held at Masonic Hall last evening. Considerable discussion occurred in regard to the nomination for Mayor, during which the name of Hon. SMITH ELY, Jr., was strongly urged. Hon. JOHN MCKEON was also spoken of as a candidate for Corporation Counsel. The Committee finally adjourned until this evening without taking any definite action.

### Assistant Aldermen.

The following Assistant Aldermen were nominated last evening: The Fourth District Democratic Union nominated BRYAN REILLY; the Fifth District Constitutional Union, JOHN M. FOX; the Ninth District Constitutional Union, JOHN H. DECKER; Thirteenth District Conservative Republican, ANDREW H. GILMORE; Fourteenth District Radical Republican, JAMES MCGEE.

### School Commissioners.

The Radical Republican District School Conventions met last night. The following are the results:

The First District nominated HENRY FISHER. The Second District adjourned to next Tuesday night. The Third District renominated S. B. H. VANCE. The Fourth District nominated JAMES R. TAYLOR. The Fifth District renominated RICHARD WARREN. The Sixth District nominated Dr. ALEX. WILDER. The Seventh District renominated HORATIO P. ALLEN.

### School Trustees.

The following nominations for School Trustees and adjournments were made last night:

The Democratic Union Convention of the Seventeenth Ward adjourned till to-night.

The Constitutional Union Convention of the Ninth Ward nominated HIRAM J. COLLINS.

The Democratic Union Convention of the Third Ward adjourned to Thursday.

### Brooklyn Liberal Christian Union.

The adjourned annual meeting of the Brooklyn Christian Union was held in the chapel of Rev. Mr. PUTNAM's Church, Pierrepont-street, last evening, Mr. ROBERT FOSTER, President, in the chair.

Rev. Mr. PUTNAM opened the proceedings by reading a chapter in the Gospel of John, and offering prayer.

The President read his annual report, in which he spoke of the reading-room as having been greatly improved in the selection of periodicals and books. The visitors were also much improved. Women were promised ample opportunity for work in the future. The reading-room was now thoroughly unsectarian in all its selections of literature—it was all things to all men. The sum of $4,000 had been raised during the year. It was recommended as a measure of good policy to open the reading-room on the afternoon of Sunday.

From the Treasurer's report it appeared that the expenditures of the year, from December 23, 1867, to November 21, 1868, amounted to $3,771 26, leaving a balance due the Treasurer of $278 46.

Rev. JOHN W. CHADWICK read a paper which treated of the same points upon which Mr. FOSTER had addressed the audience. He recommended the formation of a Society for the Prevention of Ignorance among the wealthy classes.

The election of officers resulted in the selection of Mr. CHAS. P. GARDNER as President; EDWARD T. FISHER, Secretary, and ROBERT FOSTER, Treasurer. The Board of Direction included representatives of Unitarian, Universalist, Congregational, Episcopal and Baptist Churches.

Rev. H. M. GALLAHER delivered an address on the importance of the reading-room, showing how readers could please themselves and gratify their respective tastes in the selection of newspaper literature. He spoke of the NEW-YORK TIMES as being more of a religious paper than papers that were known by that appellation. He said the monks of the Middle Ages who used to begin copying the missal at 20 years of age and finish at 70 years of age, would, if they were to awake from their long sleep, look in wonder and surprise to see HOE's lightning press grasping the pure white paper, pressing it to its metallic bosom, kissing it sheet by sheet, and throwing it out on its mission of good at the rate of 20,000 an hour. Mr. GALLAHER's tribute to the power of the Press was pithy, witty and instructive.

Rev. Mr. PUTNAM followed in a brief address upon the success of the Union during the past year. He felt encouraged, and he had no doubt that prosperity and progress were in store for it.

Rev. Mr. ELLINGHAM then addressed the meeting, expressing his regret that he was called upon to leave just as the Union was entering upon a career of such eminent usefulness, but he was confident that the work was in good hands and it would not suffer. He would remember his old associations with pleasure as he endeavored to spread liberal Christian ideas in the home to which he was going.

The meeting then adjourned.

### Address of Cigar Manufacturers.

The Cigar Manufacturers' Association of this City have drafted an address to those of their trade in the United States and Canada. It is to the effect that by the enforcement of the present Internal Revenue law, a great number of cigar makers who had been in the habit of taking tobacco from the shop to their homes to work into cigars, were compelled to seek employment in factories. By persuasion and threats most of them were induced to join the Cigar Makers' Union, and thus for the first time since cigars were made, the great majority of the cigar makers of New-York and vicinity were banded together into one society. Strikes then became frequent, and factories were closed and reopened at the will of the Committees, until a great advance of wages was obtained.

Feeling no security against further strikes the manufacturers finally banded themselves into an association for protection.

They proposed that a committee of arbitration, appointed in equal numbers by both societies, should hereafter endeavor to settle all differences, before further measures be resorted to by the men.

The proposition was voted down in full meeting, and they were told that they were not to be trusted by the men. They believe that by hearty co-operation on the part of the cigar manufacturers throughout the country, the Cigar Makers' Unions, and the Union of New-York especially, can be made to understand that their leaders are misguiding them. Even now, after a lapse of only two days, a large number of cigar makers have already left their Union, disgusted with its violence, and have gone to work.

The Association, consequently, requests the country manufacturers not to increase the number of their workmen at present, but to communicate with them, and join in organizing in opposition to any unjust demands on the part of Cigar Makers' Unions.

A meeting of the Association is to be held at 1 o'clock, to-day, at the United States Hotel.

### Workingwoman's Association.

A meeting of the Workingwoman's Association took place last night at No. 68 Broadway, and was very well attended. Miss SUSAN B. ANTHONY opened proceedings by introducing Miss VIRGINIA PENNY, who read a short lecture upon women's work and women's duties. She said that women needed a greater variety of occupations. Those of men formed a circle, but those of women but the segment of a circle. The result was seen in occasional suicides and frequent prostitution. The most intellectual and agreeable occupations are monopolized by men. Those of women involve a steady and ill-paid toil. A man is asked to put a place in a hind a counter, or fitting shoes upon women, as a woman would be chopping wood. There should be free institutions for learning trades, quite as much as for schooling.

At the close of Miss PENNY's address, which was of sensible brevity, committees of ladies were named to inform themselves regarding the work and wages of various trades in which women were engaged, after which Miss ANTHONY urged several feasible measures, such as a training school, where women could learn trades, &c.

Mrs. CHARLOTTE LOZIER said that the profits of employers were great, and urged co-operation in business upon women as the only means of obtaining a proper reward for their labor.

Miss ANTHONY announced that Mrs. C. FISH, No. 114 Norfolk-street, together with a few female friends, had opened a small co-operative establishment for making ladies' and children's undergarments. She stated that Miss PENNY would make some new reports at the next meeting regarding the condition of female tobacco workers in this City. She said that she had, last week, addressed an audience at Flushing, and told the crowd of men there that she did not believe one of them, who had a grown daughter, had educated her to earn a living in case necessity compelled it. She deplored the insufficient manner in which women were trained to combat with life. A woman should learn to feel it a disgrace to be able to do nothing well.

Mrs. ELEANOR KIRK made an admirable address upon the case of HESTER VAUGHN, a young woman in Philadelphia, falsely accused of killing her newborn child, and under sentence of death. A committee, consisting of herself, Miss ANTHONY, Mrs. NORTON and Mrs. BROWNSON, were appointed to draft a petition to Gov. GEARY, of Pennsylvania, for her pardon.

Miss AUGUSTA LEWIS stated that a committee of the Association had visited the Workingwomen's Home, No. 45 Elizabeth-street, and recommended it to the workingwomen of New-York, for its exceeding cheapness and great comfort.

Miss ANTHONY said that from personal experience she could indorse Miss LEWIS' resolution.

An adjournment took place until Monday, Dec. 7.

### Coopers' Strike.

A meeting of Coopers' Union No. 5, now on strike, took place last evening, at No. 69 Vandam-street. Mr. PATRICK HUNT, the President, was in the chair, and DENNIS REAGAN was Secretary. Reports were received from various shops, the employers in which had all agreed to pay the advance required, except Mr. GRIFFIN, who had one shop on Charlton-street, and one on Thomas-street. GRIFFIN is a manufacturer of whisky barrels. The strike is confined to those who work on whisky barrels. They have been receiving $1 apiece for making them, and demand 25 cents more, which was the price paid up to January last.

## GENERAL CITY NEWS.

CHRISTIAN ASSOCIATIONS ABROAD.—The friends of the Young Men's Christian Association met at their rooms, No. 161 Fifth-avenue, in large numbers last evening, on the occasion of their regular monthly meeting. Mr. WILLIAM E. DODGE, Jr., presided. Mr. JAMES STOKES, Jr., was introduced, and gave an account of his researches among the Christian Associations in Europe. He became particularly well informed in regard to those in Great Britain, and found that their usefulness was soon greatly impaired by not giving their members generally any active participation in their work, like the associations do in this country. After the termination of his remarks, it was announced that Mr. GEORGE VANDENHOFF would deliver a reading before the Association this evening. It was also announced that a series of sermons to young men would commence at the Protestant Reformed Church, corner of Twenty-ninth-street and Fifth-avenue, on Sunday evening, Dec. 2.

EXTENSIVE ROBBERY.—Sunday evening last, ANTON SCHUMAL, who had recently arrived from Germany, was taken in charge by some friends, who proposed to show him the sights of the metropolis. In pursuance of this design, they took him to the Atlantic Garden, in the Bowery, where the evening was spent in listening to the music of the great band, and possibly in imbibing unlawful lager. After his departure, SCHUMAL found he had been robbed of $480, and reported the case to the Police Officer JOHNSON, of the Staten Island Police, having "worked up" the affair, arrested FRITZ STRUM, who, being taken to the Tenth Precinct Station-house, and confronted with SCHUMAL, was positively identified as the person who had sat beside him the entire evening. STRUM had on his person $62 and had no very definite idea of how he had obtained it. He will therefore locked up, and will be arraigned before Justice SHANDLEY this morning.

CHAPEL OF THE HOLY SAVIOUR.—It was publicly announced on Sunday morning last, by Rev. Dr. HAIGHT to the congregation assembled, that Rev. A. B. CARTER, D. D., of Yonkers, had accepted the call of the Vestry to the vacant pulpit of this parish. This chapel was built in memorium of the late Rev. Dr. HAWKS by a flock devotedly attached to him, and who have been for nearly two years endeavoring to find a man worthy to wear his mantle. During that period many of the most distinguished men in the Church have officiated in this chapel, and it is said that the choice of the Vestry is entirely satisfactory to the congregation, Dr. CARTER being well known for his ability and beloved for his earnest zeal and piety.

AFFRAY IN A BAR-ROOM.—At an early hour last evening JAMES DEVLIN, a cartman, entered the saloon corner of Elm and Canal-street, in company with a friend, and called for a drink. A squabble appears to have ensued between him and HENRY EICKS, the barkeeper, in reference to the pay. DEVLIN, in the sequel, received a severe and dangerous cut in the face, near the mouth, severing an artery, and which he says was given him by EICKS with a tumbler, but which EICKS states to have been the result of accident, DEVLIN having fallen and struck himself upon the rumbler. The wounded man was taken to Police Headquarters, where his wound was dressed by Dr. ARMSTRONG, and he was then sent to Bellevue Hospital. EICKS was arrested and locked up in the Fourteenth Precinct Station-house.

A CHILD BURNED.—Yester

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FOR SALE,

ROCHESTER CITY SEVEN PER CENT. FIRST MORTGAGE WATERWORKS COMPANY SINKING FUND BONDS, DUE 1887, INTEREST PAYABLE JANUARY AND JULY, BEING A FIRST-CLASS SECURITY AT A REDUCTION BELOW PAR, AND PAYING A LARGE RATE OF INTEREST ON THE INVESTMENT. A LIMITED AMOUNT FOR SALE BY

ALBERT H. NICOLAY,

STOCK BROKER AND AUCTIONEER,

NO. 43 PINE-ST., NEW-YORK.

## FIRST MORTGAGE BONDS

OF THE

## CALIFORNIA PACIFIC RAILROAD.

PRINCIPAL AND SEVEN PER CENT. INTEREST PAYABLE IN GOLD AT THE NATIONAL PARK BANK, NEW-YORK.

COUPONS PAID JANUARY AND JULY.

We know these bonds to be a first-class security, and we sell them on their own merits. This road is now finished to Sacramento City. The net receipts are equal to more than three times the interest on the whole issue of bonds.

We offer a limited amount of these bonds at par and accrued interest in currency.

TURNER BROS., Bankers,

No. 14 Nassau-st.

BANNIBAL AND ST. JOSEPH RAILROAD COMPANY.

Sealed proposals, addressed to William H. Swift, at Messrs. Ward, Campbell & Co.'s, No. 56 Wall-st., New-York, or to R. S. Watson, Treasurer, Boston, will be received until noon FRIDAY, Nov. 27, 1868, for the sale of EIGHTY THOUSAND DOLLARS of the Land Bonds of said Company to the undersigned. Trustees in accordance with the provisions of the indenture of mortgage, dated April 1, 1867.

The bids will be opened at the office of the Company, in Boston, on SATURDAY MORNING, Nov. 28, and the accepted bids declared.

WILLIAM H. SWIFT, SIDNEY BARTLETT, NATHANIEL THAYER, } Trustees.

NEW-YORK, Nov. 17, 1868.

JOHN MUNROE & CO.,

AMERICAN BANKERS,

No. 7 Rue Scribe, Paris,

and

No. 8 Wall-st., New-York.

Issue circular letters of credit to travelers in all parts of Europe, &c., &c.

Also, commercial credits.

SOWLES BROTHERS & CO.,

BANKERS AND COMMISSION MERCHANTS,

NO. 12 RUE DE LA PAIX, PARIS,

No. 19 William-st., New-York,

No. 76 State-st., Boston.

Make advances on cotton, and securities, and cash coupons on demand. Bills on the United States or England bought and sold. Circular credits cashed.

Letters for Americans in Europe addressed to our care will be forwarded on delivery.

BROWN BROTHERS & CO.

NO. 59 WALL-ST.,

ISSUE COMMERCIAL AND TRAVELERS' CREDITS FOR USE IN THIS COUNTRY AND ABROAD.

AUGUST BELMONT & CO.

Issue Letters of Credit, for Travelers' use, on

MESSRS. ROTHSCHILD,

in Paris, London, Frankfort-on-the-Main, Vienna, and their correspondents in all principal cities of Europe; also, make Telegraphic transfers on

CALIFORNIA AND EUROPE.

DREXEL, WINTHROP & CO.,

No. 18 Wall-st.

STOCKS, BONDS, GOLD, &c., bought and sold on commission.

ADVANCES made on approved collaterals.

$300,000 OF THE

SULLIVAN AND ERIE RAILROAD COMPANY'S SINKING FUND CONVERTIBLE FIRST MORTGAGE BONDS,

Left for sale FLAT at 85 cents on the dollar until Jan. 1, after which time accrued interest will be added.

This sum being required for the purpose of equipping the road bed now nearly completed.

They are the cheapest and safest security in market, paying SEVEN per cent. per annum, or about NINE per cent. on the investment, besides the premium of over TWENTY per cent. interest, payable semi-annually, 1st of May and November next, at American Exchange National Bank, New-York. Capital, $1,200,000. Paid in, $1,000,000. Authorized bonded debt, $1,000,000, secured to John A. Stewart, Esq., Trustee, by mortgage upon the Company's entire road, franchises and property, including 5,000 acres of land heavily covered with valuable timber, upon which a twelve-foot vein of superior anthracite coal is now being mined.

The Company having realized to that extent on the sale of bonds, and the road being nearly completed, they will authorize no further sales at less than above rates.

A book with map and description of the mines, property, road and its connections, together with a statement showing the present and future prospects of the Company, and the security and availability of their first mortgage bonds, may be obtained by applying at their office, No. 111 Broadway, New-York.

TOWNSEND, WHELAN & CO., Bankers, Philadelphia.

GEO. W. WARREN & CO., No. 60 State-st., Boston, Mass.

SPOONER, GIDDINGS & TORREY, No. 74 State-st., Boston, Mass.

FOGG BROTHERS & BATES, No. 20 Congress-st., Boston, Mass.

W. C. TOWNSEND, Esq., Providence, R. I.

BROWN, LANCASTER & CO., No. 30 South-st., Baltimore.

SAMUEL MOFFATT, Merchants' National Bank, Albany; or

HENRY CLEWS & CO., Bankers, No. 32 Wall-st., New-York, Financial Agents.

The following gentlemen (to whom we respectfully refer) have visited and examined the property of the Company:

Hon. G. W. GOOCH, Melrose, Mass.

Hon. G. W. WARREN, Boston, Mass.

Hon. J. S. POTTER, Arlington, Mass.

D. P. GREENE, Esq., Arlington, Mass.

BENJAMIN POLAND, Esq., No. 44 Hanover-st., Boston, Mass.

EARL P. MASON, Esq., Providence, R. I.

Prof. GEORGE I. CHASE, Brown's University, Providence.

S. B. CUSHING, Esq., Civil Engineer, Providence.

OHIO AND MISSISSIPPI RAILWAY COMPANY,
OFFICE NO. 68 WALL-ST.,
NEW-YORK, Nov. 16, 1868.

THE SEMI-ANNUAL INTEREST DUE Dec. 1, 1868, on the Preferred Stock of the Ohio and Mississippi Railway Company, will be paid on and after that date, at the office of the Company, No. 68 Wall-st., New-York. The Transfer Books of the Preferred Stock will be closed on Nov. 21 at 2 o'clock P. M., and reopened on Dec. 1 at 10 o'clock A. M. By order of Executive and Finance Committee.

H. D. HAMMOND, Secretary.

CINCINNATI, SANDUSKY AND CLEVELAND RAILROAD COMPANY,
OFFICE, SANDUSKY, OHIO, Nov. 21, 1868.

THE COUPONS OF THE BONDS OF this Company due Dec. 1, 1868, will be paid on presentation at the office of the Union Trust Company, No. 73 Broadway, New-York.

RUSH R. SLOANE, President.

PACIFIC RAILROAD (OF MISSOURI) Per Cent. twenty-year bonds, principal and interest payable in gold, one of the safest and most profitable investment securities in market, constituting a first lien on the above important trunk road, already doing a business nearly doubly sufficient for paying their own account. For sale by

DABNEY, MORGAN & BROTHER, Bankers,

No. 10 Broad-st.

BONDS OF THE METROPOLITAN GAS COMPANY.—Holders of these bonds are hereby notified that the coupons falling due Dec. 1, 1868, will be paid at the National Bank of the Commonwealth, No. 15 Nassau-st., New-York.

W. M. SMALLEHAM, Acting Treasurer.

## FINANCIAL.

# THE NATIONAL TRUST COMPANY.

OF THE CITY OF NEW-YORK,

NO. 336 BROADWAY.

CAPITAL,

ONE MILLION DOLLARS.

CHARTERED BY THE STATE.

DARIUS R. MANGAM, President.
JAMES MERRELL, Secretary.

RECEIVES DEPOSITS AND ALLOWS

FOUR PER CENT. INTEREST

ON DAILY BALANCES,

SUBJECT TO CHECK AT SIGHT.

SPECIAL DEPOSIT for six months, or more, may be made at five per cent.

The Capital of ONE MILLION DOLLARS is divided among over 500 Shareholders, comprising many gentlemen of large wealth and financial experience, who are also personally liable to depositors for all obligations of the Company to double the amount of their capital stock. As THE NATIONAL TRUST COMPANY receives deposits in large or small amounts, and permits them to be drawn as a whole or in part by CHECK AT SIGHT and WITHOUT NOTICE, allowing interest on ALL DAILY BALANCES, parties can keep accounts in this Institution with special advantages of security, convenience and profit.

# VERMILYE & CO.,

BANKERS,

REMOVED TO

NOS. 16 AND 18 NASSAU-ST.

DEALERS IN ALL ISSUES OF GOVERNMENT SECURITIES AND IN GOLD AND GOLD COUPONS.

CLOSING PRICES.

NEW-YORK, Nov. 23, 1868—3 P. M.

| | Buy. | Sell. | | Buy. | Sell. |
|---|---|---|---|---|---|
| Registered, 1881.. | 114¾ | 115 | 5-20 Coupon, '67.. | 110¾ | 110⅝ |
| Coupon, 1881.... | 115 | 115⅛ | 5-20 Coupon, '68.. | 110⅝ | 111 |
| 5-20 Regis.. 1862. | 107¾ | 107⅞ | 10-40 Registered. | 104 | 104⅝ |
| 5-20 Coupon, '62.. | 113⅜ | 113½ | 10-40 Coupon.... | 106⅜ | 106 |
| 5-20 Coupon, '64.. | 107⅝ | 108 | Gold..... | 134⅜ | 134⅝ |
| 5-20 Coupon, '65.. | 108¾ | 108⅝ | U. S. Cur. Fac... | 99 | 99⅜ |
| 5-20 Coupon, '65,.. | | | | | |
| Jan. and July.. | 110¼ | 110⅜ | | | |

BUY AND SELL ON COMMISSION,

RAILWAY STOCKS, BONDS AND GOLD,

MAKING LIBERAL ADVANCES.

INTEREST ON DEPOSITS.

# HEDDEN, WINCHESTER & CO.,

No. 4 Wall-st.,

BANKERS AND BROKERS.

STOCKS, BONDS, GOVERNMENT SECURITIES, AND GOLD BOUGHT AND SOLD on commission. Interest allowed on balances.

WINSLOW, LANIER & CO.,

BANKERS,

NO. 27 PINE-ST., NEW-YORK.

ISSUE LETTERS OF CREDIT for Traveler's use available in all parts of the world.

GOVERNMENT AND OTHER SECURITIES bought and sold at the Stock Exchange on usual commission.

Interest allowed on deposits.

FOR SALE—100 SHARES OF STOCK IN women mill property, situated within two hours of New-York. Par value, $100 per share. For particulars, inquire of C. H. BECKMAN-ST., No. 7 Beekman-st.

WANTED.—A MEMBER OF THE GOLD BOARD wishes a partner, who can influence business, with capital. Address O., Box No. 5,295 New-York Post Office.

## DIVIDENDS.

DRY DOCK SAVINGS BANK,

Nos. 341 and 343 East 4th-st.

On the 1st of January, 1869, an extra dividend of two per cent. for six months and one per cent. for three months will be paid to depositors entitled thereto.

ANDREW MILLS, President.

JAMES L. STEWART, Secretary.

Nov. 1, 1868.

OFFICE OF CHICAGO AND NORTHWESTERN RAILWAY COMPANY,
No. 52 WILLIAM-ST., NEW-YORK, Nov. 20, 1868.

THE BOARD OF DIRECTORS OF THIS Company have declared a dividend of five (5) per cent. (being eight shillings), on this company's stock, free of Government tax, payable on and after the 26th day of December next, to the stockholders, as shown by the books of the Company, on the 5th day of December next.

The Transfer Books of the Preferred and Common Stocks will be closed on SATURDAY, the 5th day of December next, and reopened on SATURDAY, the 26th day of December next.

By order of the Board of Directors.

A. L. PRITCHARD, Treasurer.

MACON, GA., Nov. 2, 1868.

THE MACON AND WESTERN RAILROAD COMPANY have this day declared a dividend of Six per Cent., free from tax, payable to the stockholders registered in New-York, at the National Bank of the Republic, on and after 1st proximo, until which date the transfer books are closed. Test:

MILO S. FREEMAN, Treasurer.

## DRY GOODS.

# BLANKETS, BLANKETS, BLANKETS.

# BED COMFORTABLES, BED COMFORTABLES, BED COMFORTABLES, BED QUILTS, BED QUILTS, BED QUILTS.

One of the largest and most complete assortments, embracing every size and some of the finest goods in the market, at extremely low prices, at wholesale and retail.

WILLIAM GARDNER,

No. 344 Canal-st.,

Between Broadway and Centre-st.

# LACE CURTAINS

A SPECIALTY.

I. E. WALRAVEN,

IMPORTER OF LINEN AND UPHOLSTERY GOODS,

No. 868 Broadway, below 4th-st., New-York.

A. T. STEWART & CO.

WILL OPEN ON

MONDAY, NOV. 30,

THE NEW ADDITION

to their

RETAIL STORE,

BROADWAY, 4TH-AV., 9TH AND 10TH STS.,

with an elegant assortment of

SILKS, SATINS, FANCY DRESS GOODS,

REAL INDIA CAMEES' HAIR SHAWLS,

PARIS MADE SUITS,

FINEST QUALITY FURS,

LADIES' AND CHILDREN'S FURNISHING GOODS,

GENTLEMEN'S DO.,

ALEXANDRE'S CELEBRATED KID GLOVES, &c.,

IMPORTED AND SELECTED

EXPRESSLY FOR THE OCCASION.

Also,

they will offer at

ABOUT ONE-HALF THE ORIGINAL COST

AN IMMENSE VARIETY OF GOODS

PURCHASED AT THE RECENT

LARGE AUCTION SALES.

FURS

AT POPULAR PRICES.

CHOICE SETS IN

RUSSIAN SABLE,
ASTRAKHAN,
ERMINE, MINK,
CHINCHILLA,
SIBERIAN SQUIRREL, &c., &c.

MINK SETS $30 AND UPWARD.

ASTRAKHAN SACQUES $60.

MISSES' SETS IN FRENCH ERMINE AND SIBERIAN SQUIRREL AT $5.

Every buyer guaranteed satisfaction.

Broadway, adjoining Lord & Taylor. Branch 129 Fulton-st.

NEW-YORK DYING AND PRINTING ESTABLISHMENT.

WORKS ON STATEN ISLAND.

OFFICES { No. 68 Duane-st. (New-York. No. 722 Broadway. No. 2 Pierrepont-st., Brooklyn. and 128 Fierrepont-st., Brooklyn. No. 49 North 8th-st., Philadelphia.

This old and well-known establishment are as usual prepared to DYE and CLEANSE, in their superior manner, ladies' and gentlemen's garments and piece goods of every variety of fabric.

CHARLOTTE C. SMITH WILL SELL her entire stock of HIGH FRENCH CLOAKS, IN VELVET, SILK AND CLOTH, OPERA CLOAKS AND SACQUES OF SATIN, SILK, PLUSH AND CLOTH, AT GREATLY REDUCED PRICES, TO CLOSE THE BUSINESS. NO. 1,168 BROADWAY.

NEW AND ELEGANT VELVET CLOTH Cloaks, Paris styles, at 236 East 16th-st., between University-place and 4th-av. WM. B. MCKINNEL, Sup't.

## DRY GOODS.

# SELLING OFF

PREVIOUS TO THE HOLIDAYS.

WE WILL OFFER OUR ENTIRE STOCK OF

FALL AND WINTER DRY GOODS

AT A GREAT SACRIFICE,

Commencing MONDAY, Nov. 23,

# LORD & TAYLOR,

BROADWAY, cor. Grand-st.

GRAND-ST., cor. Chrystie-st.

# SELLING OFF.

ARNOLD, CONSTABLE & CO.,

CANAL, CORNER MERCER-ST.,

Have made great reduction in the prices of their

FALL AND WINTER

# DRY GOODS,

AT

RETAIL,

preparatory to removing to their

NEW STORE.

# RETIRING

FROM RETAIL BUSINESS.

# STRANG & ADRIANCE,

NO. 355 BROADWAY, BETWEEN LEONARD AND FRANKLIN STS.,

about to give up their RETAIL BUSINESS, will offer

GREAT BARGAINS IN DRY GOODS,

IN ORDER TO CLOSE OUT THEIR STOCK

BEFORE THE 1ST OF JANUARY,

as the store is to be occupied by other business.

N. B.—Our friends and the customers of the house for the last ten years are too well acquainted with the superior qualities of goods sold by us to need further recommendations.

All who want REAL BARGAINS are invited to call

FOR THANKSGIVING AND CHRISTMAS.

# FINE TABLE-CLOTHS

AND NAPKINS EN SUITE,

OF NEW DESIGNS AND GREAT VARIETY, IN

MOSAIC, EGYPTIAN,

MOIRE ANTIQUE,

ARABESQUE, EXPOSITION,

OLYMPIQUE, &c.

TAYLOR, M'GIBBON & CO.,

NO. 809 BROADWAY.

AT GRAND-ST. CHEAP STORE.

BONNET AND SASH RIBBONS with a line of colored and shaded Ribbon Velvets, lower than yet offered.

SILK BONNET VELVETS, $1 and $1 50 per yard.

FULL LINE OF SATINS at $1 50 per yard.

# REAL LACES VERY CHEAP.

Line of Colored Laces at one-fourth last month's prices.

REAL THREAD VAILS AT HALF PRICE.

# BIRDS OF PARADISE

FEATHERS AND IMPORTED FLOWERS in immense profusion.

DRESS AND CLOAK TRIMMING AND FRINGES—Everything new.

YANKEE NOTION DEPARTMENT

Filled with real bargains from auction.

Specialty—LEATHER SATCHELS AND BAGS CHEAP.

All our Kid Gloves reduced in prices.

Ladies' and Gents' Undergarments.

Hosiery and new styles in Fall and Winter Gloves, cheap.

GREAT BARGAINS IN EMBROIDERIES.

EDWARD RIDLEY,

Nos. 309, 311 and 311½ Grand-st., Nos. 66, 68 and 70 Allen-st., fifth block east from the Bowery.

AT GRAND-ST. CHEAP STORE,

# HAT DEPARTMENT

Crowded with everything new at lower prices than last week.

EDWARD RIDLEY,

Nos. 309, 311, 311½ Grand-st., Nos. 66, 68 and 70 Allen-st., fifth block east from the Bowery.

TO MILLINERS AND COUNTRY STORE-KEEPERS.

AT GRAND-ST. CHEAP STORE.

JOBBING DEPARTMENT.

Job lots from auction this week in Millinery Goods. We cut lengths at Piece Prices.

EDW'D RIDLEY,

Nos. 309, 311, 311½ Grand-st., 66, 68 and 70 Allen-st.

Fifth block east from Bowery.

REMOVAL.

# LE BOUTILLIER BROS.

Have opened their new store in

UNION-SQUARE,

(Three doors west of Broadway,)

with a very large stock of

FALL AND WINTER DRY GOODS,

which they offer at

AS LOW PRICES

AS ANY IN THE CITY.

KID GLOVES, 50 CENTS EACH; CHILdren's real kid; ladies', 75 cents, $1, $1 25. Jouvin's first quality two button kids; cloth gloves, mittens, leggings, knitted drawers, &c. Ladies' and children's hosiery and underwear at ELGER'S, Nos. 685 and 687 Broadway, near 19th-st.

## MILLINERY.

LADIES' VELVET BONNETS AND Broadway hats; new styles this day. Children's hats at reduced prices. Mantilla velvet by half price. Mourning bonnets. Hats sent by express. L. BINNS' Millinery, No. 577 Broadway, opposite Metropolitan Hotel.

## CARPETS.

CARPETS AND OIL-CLOTHS.

FALL SALES, 1868.

SMITH & LOUNSBERY,

No. 456 BROADWAY,

Near Grand-st.,

have on hand a large and select stock of

NEW DESIRABLE PATTERNS,

which they are offering at importers' and manufacturers' prices.

CARPETS MADE UP AND LAID AT SHORT NOTICE.

## FURNITURE.

WARREN WARD & CO.,

Nos. 75 and 77 Spring-st., corner of Crosby-st.

Established 1856.

Manufacturers of PARLOR, CHAMBER, LIBRARY, HALL and DINING-ROOM FURNITURE of the latest styles and finish, suitable for City and country houses.

All goods guaranteed as represented.

Goods carefully packed for shipping.

FIRST-CLASS FURNITURE.

BRAUNSDORF & METZ,

Nos. 125 and 127 Rivington-st.,

Offer their stock at wholesale prices.

ALL GOODS WARRANTED.

## PERSONAL.

96.—LET NOT YOUR HEART BE troubled. Washington will remain all

## AUCTION SALES.

A. J. BLEECKER, SON & CO., Auctioneers.

# GREAT SALE OF

500 LOTS,

OPPOSITE NEW-YORK,

ON THE NORTHERN RAILROAD OF NEW-JERSEY,

AT 12 O'CLOCK ON WEDNESDAY, NOV. 25, ON THE PREMISES.

The magnificent property at HOMESTEAD STATION, known as the homestead of the Hon. Judge Sturges, two miles from Jersey City and Hoboken Ferries, and only ten minutes from the City by the Northern Railroad of New-Jersey. The New-York and Paterson Plankroad runs through the property, and the New-York and Hackensack Turnpike passes within a few yards. This is the only large plot now for sale in this locality, and is unsurpassed for beauty and grandeur of prospect and excellence of soil. The above property is on a line with 40th-st., New-York. For maps and free passes apply to the auctioneers, 77 Cedar-st.

A. J. BLEECKER, Auctioneer.

POSITIVE SALE TO SETTLE AN ESTATE OF A VALUABLE

WOOLEN MILL AND MACHINERY,

AT NEWARK, N. J.

A. J. BLEECKER, SON & CO. will sell at auction, on WEDNESDAY, Dec. 9, at 1½ P. M., on the premises: The valuable lots, with the brick buildings thereon, known as the "Union Building," (now occupied by the Newark Woolen Mills,) situated in Newark, N. J., directly opposite the Centre-st. Depot of the New-Jersey Railroad and Transportation Company, (railroad depot but 150 feet, and steamboat landing 500 feet distant.) Trains run to and from New-York half-hourly every day; time, 30 minutes. The machinery consists of 2 sets 40-inch breakers and 40-inch finishers, 14 jacks, 1 twister of 200 spindles, 7 rotary fulling mills, 4 fulling stocks, gigs, drycoats, hydro-extractors, wool-dryers, 24 broad Crompton looms, cloth dryer, extractors, press, tenter bars, and everything complete for a first-class cassimere mill. Also, engine, four steam boilers of 130-horse power, shafting, belts, steam, water and gas pipes, &c. The mill is now running, and the purchaser can commence without delay of starting up.

Also, the dwelling-house and lot adjoining, now used as the superintendent's residence. For further particulars and diagrams, apply on the premises or to HENRY J. GARDNER & CO., No. 45 Leonard-st., New-York, or No. 24 Franklin-st., Boston, or to the auctioneers, No. 77 Cedar-st., New-York.

A. J. BLEECKER, SON & CO., Auctioneers.

TUESDAY, DEC. 1, AT 12 O'CLOCK, AT the Exchange Salesroom.

VALUABLE 23d-AV. CORNER FOR SALE.

23d-AV.—Premises northwest corner 3d-av. and 25th-st.; size 22x112, with alleyway.

BUILDING LOT ON MADISON-AV.

MADISON-AV.—Valuable lot on the east side of Madison-av., commencing 76.7½ north of 80th-st.; size 25.6½x100. $7,000 can remain on mortgage for four years. Maps at No. 77 Cedar-st.

MORRIS WILKINS, Auctioneer.

VALUABLE PROPERTY AT AUCTION, by order of the Circuit Court of the United States for the Southern District of New-York, under the Organization of Simon de Visser, Receiver. E. H. LUDLOW & CO. will sell at auction on TUESDAY, Dec. 1, at 12 o'clock, at the Exchange Salesroom, No. 111 Broadway:

BROADWAY, NORTHEAST CORNER WEST 32D-ST.—Nos. 1,260, 1,262 and 1,264 Broadway, valuable plot of ground, being 53 feet 3 inches on Broadway, and 82 feet 9 inches on 32d-st., with the three-story brick building thereon.

WEST 32D-ST.—Nos. 51, 51½, 53 and 55, adjoining the above on the rear, 80x98 feet 9 inches, with the two three-story brick buildings thereon.

EXCHANGE-PLACE AND NEW-ST.—Nos. 65 and 67 Exchange-place, through to Nos. 22 and 24 New-st., with the valuable four-story brick buildings thereon.

BROAD-ST., No. 24.—The unexpired term of 15 years and 6 months from Nov. 1, 1868.

WALL-ST., NO. 82.—Valuable five-story stone front building and lot of ground, north side, near Pearl-st.

TERMS OF SALE.

SIMON DE VISSER, Receiver.

BLATCHFORD, SEWARD & GRISWOLD, Solicitors for Receiver, No. 29 Nassau-st.

Maps now ready at the auctioneers' office, 3 Pine-st.

JAMES M. MILLER, Auctioneer.

WEDNESDAY, NOV. 25, AT 12 O'CLOCK, at the Exchange Salesroom, No. 111 Broadway.

(By order of the Supreme Court.)

No. 128 4th-st.—The valuable three-story and extension brick dwelling-house, on south side, 155 feet west from Macdougal-st., with all modern improvements, high attic, white marble steps and trimmings, two large wine vaults, two bath-tubs; all in good order. Maps at the office; permits given. Attorney for plaintiffs, Cyrus Lawton, Esq.

IN THE CIRCUIT COURT OF THE United States for the Southern District of New-York in Equity.—JAMES DRAKE and others vs. FRANCIS GOODRIDGE and others.—In pursuance of a final decree, made at a stated term of said Court, held in the City of New-York, on the 19th day of June, 1868, and duly entered in the above entitled cause, I, the Receiver appointed therein, will sell at public auction, by E. H. Ludlow & Co., Auctioneers, at the Exchange Salesrooms, No. 111 Broadway, in the City of New-York, on the 1st day of December next, at 12 o'clock noon, the following-described property and real estate, that is to say: All that certain messuage or building and lot of ground situate on the northeasterly side of Wall-street, in the First Ward of the City of New-York, and which is the 43d lot therefor reserved on the division map of Jonas Minturn, late of the City of New-York, deceased, to the Seaman's Bank for Savings, in the City of New-York, bearing date the 10th day of August, in the year 1846, and recorded in the office of the Register of the City and County of New-York, in Liber 464 of Conveyances, at page 445, are described as follows: Beginning on the northeasterly side of Wall-street at the most westerly corner of said lot, and running thence northeasterly along the southeasterly line (the same being the centre of the party wall between the two storehouses) of the lot of ground now or late belonging to the heirs of Harman Hendricks, deceased, fifty-five feet and two inches; thence southeasterly along the same lot, ten feet; thence northeasterly along the same sixteen feet and six inches; thence southeasterly along the same lot three feet and six inches; thence southwesterly along a lot of ground now or late belonging to the heirs of John Gardner, deceased, eight feet; thence southeasterly along the same lot six feet and four inches to the corner of an alley or passage way hereinafter mentioned; thence southwesterly along the said alley sixty-two feet to Wall-street aforesaid, and thence northwesterly along Wall-street nineteen feet six and one half inches to the place of beginning, with the right or privilege of an alley or gangway about three feet in width between the said storehouses and lot of ground hereby conveyed and the Tontine Coffee House, as by reference to a map or plan of the said lot and alley, by way of illustration colored green, and annexed to a certain deed executed by Moses I. Moses, executor of Isaac Moses and Reuna Moses to Thomas Franklin and Jonas Minturn, bearing date the 4th day of November, 1818, and recorded in the office of Register of the City and County of New-York, in Liber 133 of Conveyances, page 117, will fully appear, excepting and reserving, however, to the aforesaid Seaman's Bank for savings, their successors and assigns forever from the said premises, as above described, the yard of and belonging to the said premises, except a strip thereof on the southeasterly side thereof, which is ten feet and nine inches in length on each side, and six feet in width throughout, be the same more or less, and except also the right of way to the said strip across that portion of the said yard which is hereby reserved from the back door of said building to the said strip, and which said strip and right of way are included in and form part and parcel of the grant and conveyance hereby made, and also excepting and reserving to the said Seaman's Bank, their successors and assigns forever the use of the sewer and the right to connect therewith, leading through or across the said strip to the sewer, which passes under and along the alley on the southeasterly side of the said premises, and which latter sewer leads into the main sewer running through Wall-street, and also excepting and reserving excepting to the said Seaman's Bank, their successors and assigns forever, at their option, the right to carry a pipe through or across the said strip connecting with the said sewer in the alley, and thereby with the main sewer in Wall-street and the right to the use of the said sewers in the said alley and in Wall-street, the said party wall having been discontinued on the erection of a new building on the lot adjoining the said premises hereby conveyed on the westerly side thereof by the said Seaman's Bank, who erected an independent wall thereon, to the extent of the width of the premises hereby conveyed, to the extent of the half of the said party-wall, that is to say, six inches, by the same more or less, attending to the easterly side of the said independent wall, being same premises conveyed by Helen Hall and Wilhs Hall to said Edwards Hall, by deed dated May 1st, 1863, and recorded in Register's Office, City and County of New-York, in Liber 844 of Cons., p. 324, on Feb. 17, 1864.—Dated New-York, Oct. 28, 1868. SIMON DE VISSER, Receiver.

BLATCHFORD, SEWARD & GRISWOLD, Solicitors for Complainants, No. 29 Nassau-st.

Terms at sale.

IN THE CIRCUIT COURT OF THE United States for the Southern District of New-York.—In Equity.—JAMES DRAKE and others vs. FRANCIS GOODRIDGE and others.—In pursuance of a final decree, made at a stated term of said Court, held in the City of New-York on the 19th day of June, 1868, and duly entered in the above entitled cause, I, the Receiver appointed therein, will sell at public auction, by E. H. Ludlow & Co., Auctioneers, at the Exchange Salesrooms, No. 111 Broadway, in the City of New-York, on the 1st day of December next, at 12 o'clock noon, the following-described property and real estate, that is to say: All that certain messuage or building and lot of ground situate on the northeasterly side of Wall-street, in the First Ward of the City of New-York, and which is the 43d lot therefor reserved on the division map of Jonas Minturn, late of the City of New-York, deceased, to the Seaman's Bank for Savings, in the City of New-York, bearing date the 10th day of August, in the year 1846, and recorded in the office of the Register of the City and County of New-York, in Liber 464 of Conveyances, at page 445, are described as follows, viz.: Commencing at a point on the northeasterly side of Wall-street at the most westerly corner of said lot, and running thence northeasterly along the southeasterly line (the same being the centre of the party wall between the two storehouses) of the lot of ground now or late belonging to the heirs of Harman Hendricks, deceased, fifty-five feet and two inches; thence southeasterly along the same lot, ten feet; thence northeasterly along the same sixteen feet and six inches; thence southeasterly along the same lot three feet and six inches; thence southwesterly along a lot of ground now or late belonging to the heirs of John Gardner, deceased, eight feet; thence southeasterly along the same lot six feet and four inches to the corner of an alley or passage way hereinafter mentioned; thence southwesterly along the said alley sixty-two feet to Wall-street aforesaid, and thence northwesterly along Wall-street nineteen feet six and one half inches to the place of beginning, with the right or privilege of an alley or gangway about three feet in width between the said storehouses and lot of ground hereby conveyed and the Tontine Coffee House, as by reference to a map or plan of the said lot and alley, by way of illustration colored green, and annexed to a certain deed executed by Moses I. Moses, executor of Isaac Moses and Reuna Moses to Thomas Franklin and Jonas Minturn, bearing date the 4th day of November, 1818, and recorded in the office of Register of the City and County of New-York, in Liber 133 of Conveyances, page 117, will fully appear, excepting and reserving, however, to the aforesaid Seaman's Bank for savings, their successors and assigns forever from the said premises, as above described, the yard of and belonging to the said premises, except a strip thereof on the southeasterly side thereof, which is ten feet and nine inches in length on each side, and six feet in width throughout, be the same more or less, and except also the right of way to the said strip across that portion of the said yard which is hereby reserved from the back door of said building to the said strip, and which said strip and right of way are included in and form part and parcel of the grant and conveyance hereby made, and also excepting and reserving to the said Seaman's Bank, their successors and assigns forever the use of the sewer and the right to connect therewith, leading through or across the said strip to the sewer, which passes under and along the alley on the southeasterly side of the said premises, and which latter sewer leads into the main sewer running through Wall-street, and also excepting and reserving excepting to the said Seaman's Bank, their successors and assigns forever, at their option, the right to carry a pipe through or across the said strip connecting with the said sewer in the alley, and thereby with the main sewer in Wall-street and the right to the use of the said sewers in the said alley and in Wall-street, the said party wall having been discontinued on the erection of a new building on the lot adjoining the said premises hereby conveyed on the westerly side thereof by the said Seaman's Bank, who erected an independent wall thereon, to the extent of the width of the premises hereby conveyed, to the extent of the half of the said party-wall, that is to say, six inches, by the same more or less, attending to the easterly side of the said independent wall, being same premises conveyed by Helen Hall and Wilhs Hall to said Edwards Hall, by deed dated May 1st, 1863, and recorded in Register's Office, City and County of New-York, in Liber 844 of Cons., p. 324, on Feb. 17, 1864.—Dated New-York, Oct. 28, 1868. SIMON DE VISSER, Receiver.

BLATCHFORD, SEWARD & GRISWOLD, Solicitors for Complainants, No. 29 Nassau-st.

Terms at sale.

## AUCTION SALES.

A. J. Bleecker, Auctioneer.

PEREMPTORY SALE.

# 300 CITY LOTS AND PLOTS,

TWO DWELLING-HOUSES, BARNS, STABLE, &c.,

AT

# KEARNEYVILLE,

EAST NEWARK.

53 RAILROAD TRAINS EACH WAY DAILY, FROM 5 A. M. TO 12 P. M. YEARLY COMMUTATION $60, ONLY 16⅔ CENTS PER DAY.

A. J. BLEECKER, SON & CO. will sell at auction, on WEDNESDAY, Dec. 2, 1868, at 1 o'clock, on the premises, that choice piece of ground, with two dwelling-houses, barns, stable, &c., at Kearneyville, East Newark, known as the "Ogden Farm," divided into about 300 lots and plots, with abundance of choice fruit and shade trees, high land, the best of soil, having been used for many years as a market garden; bounded on the north by the New-York and Newark Turnpike, only 7 miles from Jersey City or Hoboken, and half a mile from Newark City, directly opposite the old "Lodi Hotel," on the south by the New-Jersey and Morris and Essex Railroads. This farm is only 400 feet east from the 200 lots sold on the "Kingsland Manor Plot." Nov. 13.

Maps and free passes at No. 77 Cedar-st.

PUBLIC SALE OF CONDEMNED ORDnance and ordnance stores.—A large amount of condemned ordnance and ordnance stores will be offered for sale at public auction, at the Frankfort Arsenal, Philadelphia, on MONDAY, the 21st day of December, 1868, at 10½ o'clock A. M. The following list comprises some of the principal articles to be sold, viz.:

19 iron-brass guns, various calibres.
1,419,000 pounds of shot, shell, &c.
5,411 muskets, carbines, rifles, &c., various models.
90,000 pounds of gunpowder.
21,775 lots of infantry accoutrements.
4,746 lots of cavalry accoutrements.
427 saddles.
715 curb bridles.
614 watering bridles.
473 halters.

Persons wishing complete lists of the stores to be sold can obtain them by application to the Chief of Ordnance, at Washington, D. C.; of Brevet Col. Crispin, U. S. A., Purchasing Officer, corner of Houston and Greene sts., New-York City, or by direct application to this Arsenal.

S. V. BENET,

Brevet Lieutenant-Colonel U. S. A., Commanding.

FRANKFORT ARSENAL, BRIDESBURG, Penn., Nov. 14, 1868.

EDWARD SCHENCK, Auct oneer.

ELEGANT SPAN OF CARRIAGE HORSES. ELEGANT 9 CLARENCE SILK-LINED, TOP-WAGON, DOUBLE AND SINGLE HARNESS, ROBES, BLANKETS, SHEETS, &c.

The property of K. Couillard, Esq., to be sold at auction at his stable,

No. 127 West 42d-st.

By EDWARD SCHENCK, THIS DAY, 24th inst., at 9½, e'clock A. M., viz., an elegant span of dark bays, 15¾ hands, warranted perfectly sound, kind and gentle in all harness, and only used by a lady; 9 C

The New-York Times, Tuesday, September 24, 1867.


SHIPPING.

CUNARD LINE TO LIVERPOOL.
THE CUNARD MAIL STEAMSHIPS
ROYAL MAIL STEAMSHIPS
BETWEEN NEW-YORK AND LIVERPOOL,
CALLING AT CORK HARBOR.
From Pier No. 4 North River.
SCOTIA ..... WEDNESDAY, Nov. 6
EGYPT ..... WEDNESDAY, Nov. 20
CUBA ..... WEDNESDAY, Dec. 4
ASIA ..... WEDNESDAY, Dec. 18
AURELIA ..... WEDNESDAY, Dec. 25
LYON'S COLLEGIATE INSTITUTE,
No. 161 57th-st., and 937 BROADWAY.
Rev. and Mrs. O. H. GARDNER, Principals.
The English, French and Classical Boarding and Day School for Young Ladies, will open on WEDNESDAY, Sept. 25. Circulars may be had at the Principals' residence, No. 161 57th-st., or at the Music Store of Messrs. HORACE WATERS & SON, No. 481 Broadway.

GARDNER INSTITUTE—ENGLISH AND French Boarding and Day School for young ladies, No. 21 West 34th-st.

INSTRUCTION.
MR. GEO. C. ANTHON'S
CLASSICAL FRENCH AND ENGLISH SCHOOL,
With Primary Department and Gymnasium.

A LADY THOROUGHLY EDUCATED in French, German and music, and experienced in teaching, desires a situation in a family or school. Address Miss E. L. BOX 4,000 Post-office.

A GERMAN LADY WHO SPEAKS ENGlish perfectly, desires a position as governess or companion or to assist in light housework. Address Miss E. L. BOX 4,000 Post-office.

A FRENCH GENTLEMAN (FROM PARIS), of good family and education, who has resided many years in this city, wishes a few pupils to instruct in the French language. Address PROFESSEUR, Box 4,000 Post-office.

STEAM COMMUNICATION DIRECT BETWEEN NEW-YORK AND PANAMA.
THE PANAMA RAILROAD COMPANY'S NEW AND FAVORITE IRON STEAMSHIP ARIEL, 1,500 tons burden, E. K. BABY, Agent, will leave Railroad Dock, foot of Canal-st., at 3 o'clock P. M. on the 25th inst., connecting at Aspinwall with the Pacific Mail Steamship Company's steamer for San Francisco.

CALLING AT PANAMA.
FOR NEW-ORLEANS.
THE NEW AND SUPERIOR IRON STEAMship ALABAMA, 2,500 tons burden, Capt. WILLIAM H. WEBB, will leave Pier No. 4 North River, foot of Canal-st., on SATURDAY, Sept. 28, at 3 o'clock P. M.
For freight or passage apply on board, or to
WEBB & ALLEN, Agents,
No. 5 Bowling-green, New-York.

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THE NEW AND SUPERIOR IRON STEAMship ALABAMA, 2,500 tons burden, Capt. WILLIAM H. WEBB, will leave Pier No. 4 North River, foot of Canal-st., on SATURDAY, Sept. 28, at 3 o'clock P. M.
For freight or passage apply on board, or to
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No. 5 Bowling-green, New-York.

FOR SAVANNAH, DIRECT.
THE STEAMSHIP GORDON, CAPT. LINE, will leave Pier No. 9 North River, foot of Rector-st., on SATURDAY, Sept. 28, at 3 o'clock P. M.
For freight or passage apply to
E. CROMWELL & CO., No. 39 West-st.

FOR SAVANNAH, DIRECT.
THE STEAMSHIP GORDON, CAPT. LINE, will leave Pier No. 9 North River, foot of Rector-st., on SATURDAY, Sept. 28, at 3 o'clock P. M.
For freight or passage apply to
E. CROMWELL & CO., No. 39 West-st.

FOR CHARLESTON, S. C.
THE STEAMSHIP CHEROKEE, CAPT. will leave Pier No. 4 North River, foot of Canal-st., on SATURDAY, Sept. 28, at 3 o'clock P. M.
For freight or passage apply to
E. CROMWELL & CO., No. 39 West-st.

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For freight or passage apply to
E. CROMWELL & CO., No. 39 West-st.

STEAM TO GLASGOW AND DERRY.
THE ANCHOR LINE
Steamers Glyde-built (Clydesmen), are intended for sail from
NEW-YORK ..... SATURDAY, Sept. 28
ANCHORIA ..... SATURDAY, Oct. 5
CALEDONIA ..... SATURDAY, Oct. 12
Cabin passage to Derry or Glasgow ..... $130
Second cabin ..... 80
Steerage ..... 30
Cabin passage to Paris ..... 150
Second cabin ..... 100
Steerage ..... 30
Cabin passage to Antwerp ..... 140
Second cabin ..... 90
Steerage ..... 30
Cabin passage to Hamburg ..... 150
Second cabin ..... 100
Steerage ..... 30
Cabin passage to Havre ..... 140
Second cabin ..... 90
Steerage ..... 30
Cabin passage to Bremen ..... 150
Second cabin ..... 100
Steerage ..... 30
Cabin passage to Southampton ..... 140
Second cabin ..... 90
Steerage ..... 30
Cabin passage to Glasgow ..... 130
Second cabin ..... 80
Steerage ..... 30
Cabin passage to Londonderry ..... 130
Second cabin ..... 80
Steerage ..... 30
Cabin passage to Queenstown ..... 130
Second cabin ..... 80
Steerage ..... 30
Cabin passage to Liverpool ..... 130
Second cabin ..... 80
Steerage ..... 30
Steerage passage from Liverpool or Queenstown ..... 30
Steerage passage from Europe on draft ..... 30
Children under 12 years, half price.
Infants under 1 year, $5.
Passengers booked to all parts of Europe at lowest rates.
Steerage passengers provided with cooked provisions.
Passengers forwarded to destination by Inman Line Steamers from Liverpool.
Passengers booked through to Havre, Bremen, Hamburg, Antwerp, Paris, Southampton, Londonderry, Queenstown and Liverpool, by Anchor Line Steamers from Glasgow

# THE ERIE RAILWAY WAR.

## Argument of Counsel Before the Supreme Court.

### Judge Barnard's Order Vacated and Judge Davies Appointed Receiver.

From 12 o'clock noon yesterday until past 9 last evening, the Supreme Court, held by Judge SUTHERLAND, was the scene of a most unusual excitement. Long before the appointed hour the small room of the Supreme Court Chambers was crowded to its utmost capacity with members of the Bar and other men who manifested a deep interest in all that took place. If all except the counsel engaged, and the reporters of the *Press* had been excluded from the room, there might have been tolerable accommodations. As it was there was no room for any one who took a part in the proceedings. Counsel had to stand for hours with hat in hand, and overcoat on arm, and reporters were compelled to take such "catch notes" as they could while standing among the multitude.

Promptly at 12 o'clock the Court called the case of *McIntosh* vs. *The Erie Railway Company and others*. There was a large array of counsel on the side of the Erie Company. The motion for the appointment of a Receiver in the suit of *August Belmont* vs. *The Erie Company, Peter B. Sweeney, Wm. M. Tweed and others*, was called on. Mr. Chas. A. Rapallo, Judge Pierrepont and D. B. Eaton, Esq., appeared for the plaintiffs. On the other side there appeared Judge Porter, Judge Fullerton, Mr. J. HeBurrill, Mr. A. J. Vanderpool and others.

From the beginning to the end—which was after 9 o'clock last evening—it seemed to be a fight to stave off the hearing of the case.

Mr. Burrill said that with regard to this case he appeared on behalf of some of the defendants, and the counsel engaged with him had no idea that the case would be taken out of its customary place in the calendar. The counsel for the defence had been engaged in getting up the papers in the other order, and not supposing that this would be reached to-day, they had not given any attention to it.

The Court mentioned that on Friday last he had heard a case which, although not on the calendar, would come up for further hearing as soon as possible.

Mr. Burrill—We want a little time to get ready, and do not desire to have this case delayed one single moment beyond the time necessary for us to prepare. We had no reason to believe your Honor would make any exception to the general rule with regard to this particular case. We have been preparing affidavits.

The Court replied that if the learned counsel would look over the order he would perceive cogent reasons for taking up the case to-day.

Mr. Burrill—The papers for that motion were served on Saturday last at 1 o'clock. Now, as the case is conceded an important one, I do not see why we should be debarred from having sufficient time to prepare it.

The Court said it had not any doubt but that it was its duty to hear that motion now, no matter whether the learned gentleman wished to read any papers or not.

Mr. Burrill remarked that this motion would bring up the entire merits of the case. The order to show cause was returnable to-day.

Court—Then let the whole matter be argued in one motion.

Mr. Burrill—It is all one order to show cause.

Mr. Rapallo, for the plaintiff, agreed with His Honor, and remarked that the motions could be each regularly argued. The injunction might be modified.

Mr. Rapallo—Would your Honor not seize the motion and its modifications?

Court—I will limit the time each counsel may absorb in arguing. I have got a pressure of business and I cannot have the whole day consumed on this motion. I think if I give you two hours it would be sufficient, because there is nothing but questions of law involved.

Mr. Burrill—In the McIntosh case?

Court—Yes.

Mr. Rapallo said they did not wish to take up much time with the case referred to.

Ex-Judge Fullerton stated that when the Court would hear the reason of counsel for the defence not wishing to go into the case to-day, his Honor would allow the motion.

Mr. Porter remarked that counsel for defence were, on Saturday afternoon, at 1:30 o'clock, served with the papers. Acting upon general the presumption that the defendants in this case stood in the same relation that all other defendants, counsel could not tell when the case would be heard, except by consulting as to what was the regular practice of the Court. They were not told when the case would come on for hearing, and were, therefore, somewhat surprised at the effect, because by the general practice of the Court this case could not be reached in any rate within seven days in the ordinary course of business. No application had been made for its consent to be advanced, and if it had been advanced it was not the business of council for the defence to then argue the merits of the application. The first of his objections was that there was no foundation for making the motion. It was provided by the Code, section 779, that where a notice of motion is necessary it must be served eight days before the time appointed for the hearing, but the Court may prescribe a shorter time. Counsel read the provision alluded to, and remarked that the order shall also be returned before the Judge who grants it. It was found first, that without notice to him and his brother counsel, the cause had been advanced to a place on the calendar to which it was only entitled by order of the Court. They found also that the motion is sought to be forced on with a notice of less than twenty-four hours, and to be so forced on without complying with the rules of the Code. The facts had not appeared to his Honor, and the order was therefore inadvertently granted. Counsel, with those engaged with him, presumed that the Court would have acted otherwise, or he would have been prepared. The order of Judge Barnard should be modified. If the Court held that the rules of law submitted were not applicable in this cause, then counsel wished to submit that the cause was one of the greatest magnitude—one which ought to be heard upon a full presentation of the facts on both sides. He submitted that, as a matter of right under repeated decisions of the Courts, not only in this district of the State, his clients were entitled to move on an answer verified by affidavits. Upon that point the impression of the Court differed from his, although decisions had been given recognizing his rights. It was all important, in a case of this kind, that counsel should be at liberty to cite authorities, and have time for consultation. If it were only the single point that four professional gentlemen assure the Court that they think they can produce decisions which will be satisfactory to the Court these ought not to be a decision until they present these decisions.

Court—I would not postpone it on these grounds.

Mr. Porter said that as the Court suggested that this order should be modified, he would on the part of his brother counsel, acquiesce.

Court—With regard to the form of bringing this matter up, the construction of the rule of law referred to, and the Judge can say: "Sir, your order don't show cause for an answer."

Mr. Porter submitted another proposition—that if the Court understood what counsel was going to submit, the Court would say that twenty-four hours was not time enough to prepare for the arguing, although it were desirable to have a brief discussion.

Court—I'll listen to you on a question of law with great pleasure, but I cannot conceive it possible but that it would be an abuse of my authority to postpone the argument.

Ex-Judge Fullerton—But there has not been one moment of consultation with regard to this case.

Ex-Judge Pierrepont—Very creditable, indeed, to you sir. [Laughter.]

Mr. Porter recognized the propriety of having the injunction modified.

Mr. Rapallo then proceeded to make a motion in the McIntosh case, namely, that it be dissolved. The contents of the complaint have been examined; they were familiar to his Honor, to the public, and to the counsel on both sides. The main feature was that McIntosh is the owner of 200 shares, and that this fact is mentioned in the books of the Company. Counsel had no desire to say anything impugning the motives which induced the Judge to grant the order. He regretted that any member of this Court should have suffered himself to be prevailed upon to grant it. It was enough for him to point out to his Honor two or three legal objections. Before doing so he would, in vindication of Belmont, read the answer which is filed, and which denies all the allegations of the complaint reflecting upon his character. [Reads it.] Then, as to the injunction. This bill is filed by one stockholder to prevent any other stockholder prosecuting any suit commenced, or inaugurating any new suits. So far as it regarded any suits not commenced, there was no foundation laid for it in the complaint, and an action cannot be made on the face of that complaint. In point of fact, such an action had never been heard of. The danger that would result if such a practice existed, as shown in this case, would be this, that the directors of any company would be at all times free from punishment by a little collusion on their own part. The Judge who signed the order must have done so without taking advice, for if he had looked at the Code he would have perceived that a Judge out of Court has no power to appoint a receiver, except in one special case. Sec. 6 of the Code provides for that. Counsels read at length the provisions alluded to, and stated that even if this had been the best case in the world, a Judge out of Court could not sign the order. These objections were, in counsel's judgment, decisive. He stated, during the whole argument, to avoid making any reflections on particular parties, and his motion should be made on legal grounds alone. The modification of the Judge or his receivership commences upon the order. If the modification did not stand, the main order does not stand. The order was in violation of several statutes of this State. The moneys of the Company consisted of the stock locally issued in January and in February. The time for indignation had passed. No power can grant a person permission to commit a felony. A statute of the State of New-York says that no railway company shall purchase its own stock. All are the circumstances which characterized the proceedings after the meeting at this Court. It was a case for immediate action, for unless capable of such communication as have been disposed to use and entitled to tendency.

Mr. Pierrepont replied. He said that before he heard what had fallen from his Honor, he (Mr. Pierrepont) would be satisfied the Court would be prepared to say what were the legal rights of the parties. His Honor was guided by his own views of what the rules of the practice of the Courts are. Counsel had no evidence to submit, in the present case, on the order, and had reversed him from making even so idle a thing as any evidence. He came before his Honor with a few simple facts. This action was commenced a week ago to-day. The injunction order was served on the same day. The gentlemen on the other side remained quiet from Monday morning until Saturday afternoon, at 1 o'clock. On Saturday was received the order from this Court to show cause to-day why the subsequent order should not be modified. The learned counsel had a right to complain of the breach of good faith on the part of those opposed to him. Not only did they delay the application and deprive him and his colleagues of the opportunity of preparing to meet it, but for the purpose of preventing them from reading affidavits in opposition to their motion, and thereby showing the falsity of their assertions in their answer, they skulked behind a mean and wretched rule of law. Counsel would present himself in opposition to this motion—in the first place, on account of his inability to meet the question that arises on the present motion, he not having had sufficient time. Had he and his brother counsel received the ordinary notice which is given in ordinary cases, they would have had their affidavits prepared. He thought that so far as his being brought into Court under circumstances that appear unfavorable to him, that counsel on the other side show that the place they wished him to stand was that which they themselves should occupy. The only parties now before the Court were Belmont and McIntosh.

Mr. Rapallo—Notice of this motion was served on Mr. William Tweed, Jr., at the same time. [Reads the notice.]

Mr. Burrill said this was probably the case; but his Honor would perceive that the present position of his client's counsel was attributable to the counsel on the other side. It would be necessary for the Court to determine, in the face of these papers, the effect of him (Mr. B.) not being able to produce affidavits now. There was no averment in his client's complaint, except that which bore on the question of collusion or non-collusion. He would offer the Court now, if opportunity be offered, affidavits showing the charge of collusion was without foundation. In the face of his offer to produce such affidavits, and to deny collusion, it would be unfair and unjust on the part of the defendants to argue this motion before the Court. He would offer to disprove all of them.

Ex-Judge Pierrepont—We make no point of that; we don't care about it.

Mr. Burrill—Why are we deprived of the chance of denying the charges against us? The only defence that can be made to the action rests upon the collusion which they must establish, and if they fail in that, I submit your Honor would not interfere. This collusion is the very gist of the controversy. Have we not as much right to ask the Court to determine the case of the Erie Railroad Company and these stockholders as they have? Does not McIntosh desire to obtain an injunction to inquire what right they have to issue stock? There is no affidavit to prove Belmont's statement. Assuming we have come into Court fairly, I ask what objection is there in this complaint? He says he is the owner of 200 shares and that his name stands on the transfer books. No one knows that, and the criticism of the counsel on that point amounts to nothing. He says that several members of the corporation stated they could issue stock in an unlimited amount. Others say that it is fixed and determined by law, and that the Board of Directors have no power to issue more than they have already done. Is there any ground to suspect that the decision which the Court may eventually render with regard to this case will be given without giving all parties a fair opportunity of being heard?

Court—What was the question?

Mr. Burrill—With regard to the right of the Directors to issue this stock, and whether the capital stock has been limited by law, and whether it has been filled.

Court—Do you contend that A. B., the stockholder, has a right during the discussion, or until the determination of this question, to stop all proceedings against the stockholders?

Mr. Burrill—Not as an abstract principle. If the Court come to the conclusion that McIntosh has not preferred his action in good faith, I cannot sustain that order of injunction. I claim that there is a question—and not an abstract question—of the power to issue stock beyond a certain limit. It is a particular question. He (McIntosh) says that the directors have issued more stock than the charter of the Company permits. Counsel then went on to read the affidavit of Mr. McIntosh, wherein that gentleman says that the fluctuations on the price of the stock has been very great, as also the sales, and that the stock was repeatedly rising. He continued: So far as this complaint goes, we have a right to go into a court of equity and ask for the injunction ordered. There is another branch of this order which is unimpressed, the injunction having in view the restraining the commencement of other suits by other parties getting in collusion with those whose names are mentioned in the complaint. It provides that Mr. GOULD should be given "certain powers." The ground on which the application is made is this: The plaintiff alleged that the business of the Company is of very great magnitude. The complaint goes on to say that there are certain persons, who have a pecuniary interest, not doing right; but whether acting in connection with the officers of the Corporation or not is of no moment. Their interests demand that this road should be crippled in every way possible; that the earnings of the road should be reduced, and that the road should be impeded and reduced as far as possible. They ask to carry out their object in two ways: First, by throwing discredit on the stock of the Company, and if that is so, we ask the Court to decide; and, secondly, they wish to interfere with the operations of the Company, with the intention of crippling it by depriving it of its earnings. Whether it be true or not that the securities of bonds issued by the Company were good, they were legal bonds of this corporation, for which the parties holding them can make the Company liable. A large number of these bonds are in circulation. If such things are allowed, these persons will carry out the objects they desire to attain, and will deprive the Company of the power of applying this money to the payment of its obligations. Feeling that there is a power to appoint a receiver, we ask that Gould be permitted to take charge of the earnings, and that he will pay the indebtedness of the Company. He was ordered to give a bond in $2,000,000 and did so. Let us see whether thus far there has been any infraction of any rule of law or of any rule by which Courts of Equity are governed. What has been done thus far? We ask that the Court will determine forever that these suits may be restrained; and till this question be disposed of, that this Company shall not be annoyed. The operations of the Company have not been suspended in the slightest degree. Who is prejudiced by what has been done? The injunctions restrain nothing except what ought to be restrained. (Counsel then read the petition of Mr. Gould with reference to Belmont in another suit, which has been already published.) He continued: In the New-Haven case the stock was separated, and the decision of the Court of Appeals was based on the fact that the stock had been separated. Judge Hoffman said, "You cannot separate the good from the bad; it is physically impossible." This forty thousand dollars' worth of stock is equally good or equally bad. This Court decided, however, that the separation was impossible after the decision of Judge Ingraham. These parties were, as I said before, all interested in depreciating the stock of the Company, and they sought still further to add that the market value of that stock was one-half its value. Profiting by the panic occasioned, an effort was made to buy in the stock at much smaller prices. What did we do? We procured an order of the Court which secured the Company without fear, so that it was enabled to pay its ordinary obligations with little apprehension of becoming bankrupt.

Court—In getting the subsequent order you assume that the issue of the stock was legal?

Mr. Burrill—I see nothing to prevent a Judge from making an order for receiver, any more than from making an order of injunction. He carries his power under his hat.

Court—I incline to the belief that an order out of court is void.

Ex-Judge Pierrepont said: Let us see a moment what we are talking about. Words wont cover up this case. It wont be covered by any amount of talking. It is a plain matter. I said when the learned counsel who last spoke was speaking that I did not care anything about the averment that theirs was a collusive suit. I'll take their own complaints on their own evidence and show your Honor that they are void on their own face. We deny the charges made in relation to our suit. It is said that Belmont and others were preparing to bring an action against the directors of the Erie Railroad Company for mismanagement and that they found the mismanagement out. It is mentioned in the TIMES how it was found out. On the same day your Honor's injunction was issued, the injunction we seek to vacate was issued. I notice my learned friend (Mr. Burrill) alluded to some 200 shares. He spoke of the order allowing this $200,000 worth of stock to be put in. He should have said $2,000,000. Let me read this complaint to your Honor. [Reads the complaint alluded to by Mr. Burrill, which was previously published.] Mr. Belmont is the holder of $400,000 worth of stock, and he makes an affidavit to that effect. Has money gone into somebody's pocket where he will never see it. The Judge is asked to make an order forbidding anybody to prosecute, and it was granted. Counsel, having read the injunction, proceeded: Let us suppose a case. The City Bank of this City, managed by its directors and cashier, last week had taken from its coffers nine-tenths of its capital. Moses Taylor comes and desires your Honor to restrain him and those cooperating with him, by an injunction, from being prosecuted, because, indeed, some one is ready to aver "that, from his observation, he alleges that said bank is well managed." He seeks your Honor to issue an order restraining these fraudulent directors from being prosecuted. Would your Honor issue such an order? Would not, then, this community be shocked at such a thing? They would not be more shocked than they have been for the same thing which has lately appeared in the public prints, and gone through the world. After making these averments about the money on their notes, Mr. Burrill says that if these are not an injunction the Company will not be able to meet its debts in the road. Now if these directors have issued the stock fraudulently they are all liable for it. How do they propose to manage it? They buy up the stock which they have issued. They allow the funds of the Company to come into the market, and purchase it with whose money? On their own bill. The stock had been sold at 70 and they buy it at 100. Mr. Burrill said your Honor has it in the power to appoint a Receiver if the Court should not sustain the